United Nations S/PV.5589

Security Council

Sixty-first year

Provisional

5589th meeting

Thursday, 14 December 2006, 3.20 p.m.

New York

President:	Mr. Al-Nasser	(Qatar)
Members:	Argentina	Mr. Mayoral
	China	Mr. Li Kexin
	Congo	Mr. Ikouebe
	Denmark	Mr. Christensen
	France	Mr. Lacroix
	Ghana	Nana Effah-Apenteng
	Greece	Mr. Vassilakis
	Japan	Mr. Shinyo
	Peru	Mr. Voto-Bernales
	Russian Federation	Mr. Rogachev
	Slovakia	Mr. Burian
	United Kingdom of Great Britain and Northern Ireland	Ms. Pierce
	United Republic of Tanzania	Mr. Manongi
	United States of America	Mr. Brencick

Agenda

Reports of the Secretary-General on the Sudan

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A.

06-66000 (E)

The meeting was called to order at 3.30 p.m.

Adoption of the agenda

The agenda was adopted.

Reports of the Secretary-General on the Sudan

The President (*spoke in Arabic*): In accordance with the understanding reached in the Council's prior consultations, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. Luis Moreno-Ocampo, Prosecutor of the International Criminal Court.

It is so decided.

I invite Mr. Luis Moreno-Ocampo to take a seat at the Council table.

The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

At this meeting, the Security Council will hear a briefing by Mr. Luis Moreno-Ocampo, Prosecutor of the International Criminal Court, to whom I give the floor.

Mr. Moreno-Ocampo: I welcome this opportunity to brief the Council on the activities of my Office since my last report in June.

My Office is currently completing an investigation and the collection of sufficient evidence to identify those who bear the greatest responsibility for some of the worst crimes in Darfur. The evidence provides reasonable grounds to believe that the individuals identified have committed crimes against humanity and war crimes, including the crimes of persecution, torture, murder and rape, during a period in which the gravest crimes occurred in Darfur.

Throughout the process, I have devoted considerable resources and given careful attention to the issue of admissibility. In November this year, I requested an update from the Government of the Sudan relating to its national proceedings. Since the submission of my report to the Council, I have received a formal response from the Government of the Sudan reporting that 14 individuals have been arrested for violations of international humanitarian law and human rights abuses. Those indications do not appear to render the current case inadmissible, and I am therefore planning to finalize the submission for the Judges by February 2007. In its response, the Government notes its previous cooperation concerning the investigation of crimes against humanity in Darfur and reaffirms its commitment to the principle of continuing cooperation with the International Criminal Court. I will therefore request its cooperation to facilitate a visit by representatives of my Office to the Sudan in January to gather information on those developments.

By making those advances, I am fulfilling my responsibilities under the Rome Statute, as well as the task set by this Council in resolution 1593 (2005). Since the adoption of the resolution, the violence in Darfur has continued and the suffering of the people of Darfur, including the millions of displaced persons, has grown worse. There are also worrying reports of a spillover of violence into Chad and the Central African Republic.

This Council has recognized that justice for the victims will contribute to enhancing security and send an important warning beyond the borders of Darfur to those individuals who might otherwise resort to violence and the commission of crimes to achieve their aims.

My Office cannot investigate all of the hundreds of alleged criminal incidents and prosecute all the alleged perpetrators of crimes in Darfur. I have therefore focused on the most serious incidents and the individuals with the greatest responsibility for those incidents. Following an analysis of the universe of crimes alleged to have been committed in Darfur, I focused the collection of evidence on a series of incidents that occurred in 2003 and 2004, during a period when and in a location where the highest numbers of crimes were recorded.

The Office has collected evidence from a wide range of sources, thoroughly investigating incriminating and exonerating facts in an equal, independent and impartial manner. Those sources include statements from victims as well as Sudanese officials, thousands of documents collected by the International Commission of Inquiry for Darfur and information provided by the National Commission of Inquiry, as well as documents and materials generated by this Council, States and other international organizations.

The Government of the Sudan has participated in the process. I would like to recall that, in May 2006, the Sudanese authorities provided a written report responding to questions submitted by my Office. That report outlined the various phases of the conflict from the Government's perspective, offered information relating to the activities of the military and security structures operating in Darfur, as well as of the other parties to the conflict, and the legal system governing the conduct of military operations. The report was supplemented by a meeting between representatives of my Office and military officers in Khartoum in June 2006. In August 2006, representatives of my Office again travelled to the Sudan and interviewed two high-ranking civilian and military officials. Those individuals, due to their positions and functions, had knowledge and information relating to the activities of the security forces in Darfur and the conduct of the other parties to the conflict.

Reaching the victims was at all times a priority for my Office. Since the start of the investigation, the Darfur team has conducted more than 70 missions to 17 countries, screening hundreds of potential witnesses and taking more than 100 formal witness statements, many of which were with victims.

On the basis of careful evaluation of that evidence, my Office has identified some of the gravest criminal incidents and some of the individuals who could be considered to bear the greatest responsibility. The evidence proves that numerous crimes falling within the jurisdiction of the Court were committed, including such crimes against humanity as persecution, murder and wilful killing, rape and other forms of sexual violence, inhumane acts, cruel treatment, outrages upon personal dignity and pillaging, as well as war crimes such as wilful killing, extrajudicial killing, rape and intentional attacks against civilians.

In previous reports to the Council, I highlighted the fact that the International Criminal Court is a court of last resort. Cases will be prosecuted before the International Criminal Court in situations where there has not been a national investigation or prosecution of the case being brought to the Court by my Office, or where there is, or has been, such an investigation or prosecution but where it was vitiated by an unwillingness or inability to genuinely carry out that investigation or prosecution.

During each of the four missions to the Sudan, my Office met with judicial and legal officers, representatives of the Darfur special courts and officials from the Ministry of Justice and other relevant Government departments. In June this year, the Office had information indicating that the special courts had tried six cases, involving less than 30 suspects. Those suspects included 18 low-ranking military officers, with the remainder being civilians. The Judicial Investigation Committee had not completed any investigations or prosecutions, and the Special Prosecutions Commission was continuing investigations into one incident and had acquitted individuals charged with war crimes in relation to another incident. In November 2006, the Government of the Sudan provided additional information to the Office relating to reported prosecutions of rape cases involving members of the police forces and regular armed forces.

It is important to reiterate that the admissibility assessment is not a judgement on the Sudanese justice system as a whole, but an assessment as to whether or not the Government of the Sudan has undertaken genuine proceedings in relation to the cases selected by my Office for prosecution. In this context, a case involves the specific incidents in which crimes were committed by identified perpetrators.

My Office has assessed whether or not the Sudanese authorities are conducting, or have conducted, genuine national proceedings in relation to the same incidents and individuals identified in the current case. As I indicated earlier, since I submitted my report the Government of the Sudan has written to formally indicate that there are developments in the work of the "Judicial Investigation Commission for Investigation and Inquiry [into] Crimes Violating Human Rights and International Humanitarian Law in Darfur", including the arrest of 14 individuals suspected of violations of international humanitarian law and human rights abuses. Those indications do not appear to render the current case inadmissible. Therefore, by February 2007, I plan to finalize the submission to the judges and enhance the necessary security measures.

I will request the cooperation of the Government of the Sudan in facilitating a visit by members of my Office in January to gather further information on those developments. It will be important during that visit to have access to relevant documents, as well as to

the individuals in custody for the purposes of carrying out interviews.

I share the grave concerns expressed by the Secretary-General and the Council in relation to the ongoing violence in Darfur and the reports of a spillover of violence into Chad and the Central African Republic. The perpetrators of those crimes are standing in the way of progress towards peace and security in Darfur, as well as in neighbouring countries.

Despite the signing of the Darfur Peace Agreement by some of the parties to the conflict, there continue to be almost daily allegations of serious crimes, some of which may fall within the jurisdiction of the Court. Violent clashes between factions within the movements, as well as between the different movements, have led to significant numbers of civilians being killed. There are also disturbing reports of a repetition of similar patterns associated with earlier crimes, including reports of attacks on civilian locations by armed militias supported by elements of the Sudanese security forces. Incidents of rape and sexual assault continue to be reported at very high levels.

Attacks on humanitarian personnel and peacekeepers are another prominent feature of the current situation in Darfur. Between July and September alone, there were reports of the hijacking of 21 humanitarian transports and the ambushing and looting of more than 31 convoys, leading to the deaths of six humanitarian workers and two military observers. Those and other such attacks have caused some organizations to withdraw from Darfur, further entrenching the plight, and endangering the lives, of millions of displaced persons. Attacks on humanitarian personnel are prohibited under international humanitarian law and constitute war crimes falling within the jurisdiction of the Court. The Office continues to collect information relating to those attacks and to those responsible, and may take further action before the Court or provide the information to other relevant authorities where appropriate.

The persistent lack of security in Darfur is also reported to have spilled over into Chad and the Central African Republic, leading to allegations of crimes having been committed on the territory of those States. On 1 November, the Government of Chad acceded to the Rome Statute. The Statute will therefore enter into force on 1 January 2007. The Central African Republic is also a State party to the International Criminal Court. The Office is therefore closely following the situation in Chad and the Central African Republic, as well as possible links to the situation in Darfur.

The cooperation of the African Union remains important to progress in current and future investigations. Following my briefing to the Council in June, I travelled to Addis Ababa with the President of the Court to brief the African Union Peace and Security Council on the activities of the Court, including in relation to Darfur. I also met with Mr. Konare, Chairperson of the African Union Commission, and Ambassador Djinnit, Commissioner for Peace and Security. That visit provided a valuable opportunity to exchange views on the situation in Darfur and enhance understanding as to the procedures and work of the Court. I am discussing a visit to Brazzaville, to have a meeting with the President of the African Union, and I intend to hold further briefings with the African Union as well as the Arab League in 2007.

There has also been progress in relation to the requests for assistance transmitted by my Office in February 2006 to the African Union Mission in the Sudan (AMIS). The first batch of information from AMIS was delivered in June, and we are working to collect the remaining information requested, as well as preparing additional requests for assistance.

I have repeated, on a number of occasions, that the participation of the Government of the Sudan in the process is important to ensure an impartial investigation and a view of the events in Darfur that is as balanced as possible. Various requests for assistance have been made in 2005 and 2006 to the Government of the Sudan. A detailed request was submitted to the Sudanese authorities in June 2006, including a request for specified documentation and access to civilian and military officials for interview purposes.

As I indicated earlier, in August 2006, representatives from my Office travelled to the Sudan and conducted formal witness interviews with two senior Government officials, who because of their positions could provide information relating to the conflict in Darfur and to the activities of the security forces and other groups. Meetings also took place with other officials who provided an update on national proceedings. A limited amount of documentation was also provided.

There are a number of outstanding requests for documents and interviews that remain an important feature of the fact-finding process. I will continue to seek that information from the Government of the Sudan, and I will keep the Council informed of progress in that regard.

By referring the situation in Darfur to the Court, the Security Council has reaffirmed that peace and security require justice. That relates not only to past crimes, but also to the current crimes that are protracting the suffering of millions of those who are most vulnerable, including those in the camps for the displaced, and threatening stability beyond the borders of Darfur.

As my Office moves towards the completion of the investigation and the presentation of evidence in relation to the first case, it sends a signal to those who are considering committing further crimes that they cannot do so with impunity. The strength and impact of that signal depends on the support and cooperation of the Council, the Government of the Sudan and other relevant States.

The President (*spoke in Arabic*): I thank Mr. Moreno-Ocampo for his briefing to the Security Council.

In accordance with the understanding reached in the Council's prior consultations, I now invite Council members to a private meeting following the adjournment of this meeting.

The meeting rose at 3.40 p.m.

United Nations S/PV.5590

Security Council

Distr.: General
14 December 2006

Original: English

Official communiqué of the 5590th (closed) meeting of the Security Council

Held in private at Headquarters, New York, on Thursday, 14 December 2006, at 3.20 p.m.

In accordance with rule 55 of the provisional rules of procedure of the Security Council, the following communiqué was issued through the Secretary-General in place of a verbatim record:

"At its 5590th meeting, held in private on 14 December 2006, the Security Council considered the item entitled 'Reports of the Secretary-General on the Sudan'.

"In accordance with the decision taken at the 5589th meeting held earlier on 14 December 2006, the President extended an invitation under rule 39 of the Council's provisional rules of procedure to Mr. Luis Moreno-Ocampo, Prosecutor of the International Criminal Court.

"The members of the Council and Mr. Luis Moreno-Ocampo had an exchange of views."

06-66131 (E) 141206

United Nations S/PV.5591

Security Council

Sixty-first year

Provisional

5591st meeting

Friday, 15 December 2006, 10 a.m.
New York

President:	Mr. Al-Nasser	(Qatar)
Members:	Argentina	Mr. García Moritán
	China	Mr. Liu Zhenmin
	Congo	Mr. Makayat-Safouesse
	Denmark	Ms. Løj
	France	Mrs. Collet
	Ghana	Mr. Christian
	Greece	Mr. Vassilakis
	Japan	Mr. Haneda
	Peru	Mr. Voto-Bernales
	Russian Federation	Mr. Leplinskiy
	Slovakia	Mr. Matulay
	United Kingdom of Great Britain and Northern Ireland	Mr. Johnston
	United Republic of Tanzania	Mr. Manongi
	United States of America	Ms. Wolcott Sanders

Agenda

The situation in Côte d'Ivoire

Eleventh progress report of the Secretary-General on the United Nations Operation in Côte d'Ivoire (S/2006/939)

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A.

06-66328 (E)

The meeting was called to order at 10.15 a.m.

Adoption of the agenda

The agenda was adopted.

The situation in Côte d'Ivoire

Eleventh progress report of the Secretary-General on the United Nations Operation in Côte d'Ivoire (S/2006/939)

The President (*spoke in Arabic*): I should like to inform the Council that I have received a letter from the representative of Côte d'Ivoire, in which he requests to be invited to participate in the consideration of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite that representative to participate in the consideration without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Djangoné-Bi (Côte d'Ivoire) took a seat at the Council table.

The President (*spoke in Arabic*): The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them document S/2006/939, which contains the eleventh progress report of the Secretary-General on the United Nations Operation in Côte d'Ivoire.

Members of the Council also have before them document S/2006/981, which contains the text of a draft resolution prepared in the course of the Council's prior consultations.

It is my understanding that the Council is ready to proceed to the vote on the draft resolution before it. Unless I hear any objection, I shall put the draft resolution to the vote now.

There being no objection, it is so decided.

A vote was taken by show of hands.

In favour:

Argentina, China, Congo, Denmark, France, Ghana, Greece, Japan, Peru, Qatar, Russian Federation, Slovakia, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America

The President (*spoke in Arabic*): There were 15 votes in favour. The draft resolution has been adopted unanimously as resolution 1726 (2006).

The Security Council has thus concluded the present stage of its consideration of the item on its agenda. The Security Council will remain seized of the matter.

The meeting rose at 10.20 a.m.

United Nations S/PV.5592

Security Council

Sixty-first year

Provisional

5592nd meeting

Friday, 15 December 2006, 10.20 a.m.

New York

President:	Mr. Al-Nasser	(Qatar)
Members:	Argentina	Mr. García Moritán
	China	Mr. Liu Zhenmin
	Congo	Mr. Makayat-Safouesse
	Denmark	Ms. Løj
	France	Mrs. Collet
	Ghana	Mr. Christian
	Greece	Mr. Vassilakis
	Japan	Mr. Haneda
	Peru	Mr. Voto-Bernales
	Russian Federation	Mr. Leplinskiy
	Slovakia	Mr. Matulay
	United Kingdom of Great Britain and Northern Ireland	Mr. Johnston
	United Republic of Tanzania	Mr. Manongi
	United States of America	Ms. Wolcott Sanders

Agenda

The situation in Côte d'Ivoire

Letter dated 8 December 2006 from the Chairman of the Security Council Committee established pursuant to resolution 1572 (2004) concerning Côte d'Ivoire addressed to the President of the Security Council (S/2006/964)

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A.

06-66334 (E)

The meeting was called to order at 10.20 a.m.

Adoption of the agenda

The agenda was adopted.

The situation in Côte d'Ivoire

Letter dated 8 December 2006 from the Chairman of the Security Council Committee established pursuant to resolution 1572 (2004) concerning Côte d'Ivoire addressed to the President of the Security Council (S/2006/964)

The President (*spoke in Arabic*): I should like to inform the Council that I have received a letter from the representative of Côte d'Ivoire, in which he requests to be invited to participate in the consideration of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite that representative to participate in the consideration of the item, without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Djangoné-Bi (Côte d'Ivoire) took a seat at the Council table.

The President (*spoke in Arabic*): The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them document S/2006/982, which contains the text of a draft resolution prepared in the course of the Council's prior consultations.

I should like to draw the attention of the members of the Council to document S/2006/964, which contains a letter dated 8 December 2006 from the Chairman of the Committee established pursuant to resolution 1572 (2004), concerning Côte d'Ivoire, addressed to the President of the Security Council.

It is my understanding that the Council is ready to proceed to the vote on the draft resolution (S/2006/982) before it. Unless I hear any objection, I shall put the draft resolution to the vote now.

There being no objection, it is so decided.

A vote was taken by show of hands.

In favour:

Argentina, China, Congo, Denmark, France, Ghana, Greece, Japan, Peru, Qatar, Russian Federation, Slovakia, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America

The President (*spoke in Arabic*): There were 15 votes in favour. The draft resolution has been adopted unanimously as resolution 1727 (2006).

The Security Council has thus concluded the present stage of its consideration of the item on its agenda. The Council will remain seized of the matter.

The meeting rose at 10.25 a.m.

United Nations S/PV.5593

Security Council

Sixty-first year

Provisional

5593rd meeting

Friday, 15 December 2006, 10.25 a.m.

New York

President:	Mr. Al-Nasser	(Qatar)
Members:	Argentina	Mr. García Moritán
	China	Mr. Liu Zhenmin
	Congo	Mr. Makayat-Safouesse
	Denmark	Ms. Løj
	France	Mrs. Collet
	Ghana	Mr. Christian
	Greece	Mr. Vassilakis
	Japan	Mr. Haneda
	Peru	Mr. Voto-Bernales
	Russian Federation	Mr. Paletskiy
	Slovakia	Mr. Matulay
	United Kingdom of Great Britain and Northern Ireland	Mr. Johnston
	United Republic of Tanzania	Mr. Manongi
	United States of America	Ms. Wolcott Sanders

Agenda

The situation in Cyprus

Report of the Secretary-General on the United Nations operation in Cyprus (S/2006/931)

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A.

06-66340 (E)

The meeting was called to order at 10.25 a.m.

Adoption of the agenda

The agenda was adopted.

The situation in Cyprus

Report of the Secretary-General on the United Nations operation in Cyprus (S/2006/931)

The President (*spoke in Arabic*): The Security Council will now begin its consideration of the item on its agenda. The Security Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them the report of the Secretary-General on the United Nations operation in Cyprus, document S/2006/931.

Members of the Council also have before them document S/2006/978, which contains the text of a draft resolution submitted by China, France, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

I now give the floor to members of the Council wishing to make statements before the vote.

Mr. Vassilakis (Greece): Today is the last time that Greece will participate, in its capacity as a non-permanent member of the Security Council, in a meeting on an issue of the utmost importance for my country: Cyprus. I would therefore like to take this opportunity to express my country's most heartfelt appreciation, first of all, to the United Nations Peacekeeping Force in Cyprus (UNFICYP) and to the Department for Peacekeeping Operations (DPKO) and the Secretariat in general for all their hard work and their contribution to maintaining stability on the island, which is so necessary for the promotion of any solution.

We also thank greatly all troop-contributing countries for their continued presence. We all understand very well the magnitude of the ever-increasing global demands on United Nations peacekeeping resources, and we are mindful of the need to ensure that UNFICYP does not stay one day more than is absolutely necessary. We sincerely hope that that day will come very soon. In the meanwhile, though, and in the absence of a comprehensive settlement and the withdrawal of all occupation troops from the island, UNFICYP is necessary, and the contribution of the United Nations is highly appreciated and, of course, never taken for granted.

Greece shows that appreciation in practical terms as well, by providing, on a voluntary basis, a substantial amount of money for UNFICYP. That contribution and the one third share of the expenses contributed by the Government of Cyprus amount to 50 per cent of the Force's yearly budget.

The Cyprus problem is a long-standing and complicated one. But, despite many, and quite intensive, efforts over the years, unfortunately, 32 years after the Turkish military invasion, its resolution remains elusive. We remain hopeful that the lessons drawn from our past efforts will not be in vain and that, instead, they will guide us — all of us — in the search for a functional and workable solution acceptable to all and desired by all. This will lead to a better future for all of the citizens of Cyprus and will contribute to peace and stability in the entire region.

A Cypriot-owned solution through a Cypriot-owned process with the invaluable assistance of the international community: that is the way forward. We know it is a difficult way. There might be setbacks, and patience will be a quality in great demand. But we should always bear in mind that no step is too small if it is in the right, forward-looking, direction. Step-by-step approaches could lead to major breakthroughs.

We all agree that the present status quo is unsustainable. The two communities have also agreed on the basic form of the reunification of the island: a bi-zonal, bi-communal federation. We now have to build upon what has already been achieved. The 8 July agreement gives us a platform on which to work carefully to prepare the ground so that we can achieve the necessary progress that will allow the entire political process to move forward and lead to a comprehensive, permanent and durable settlement: a settlement that respects international legality and conforms with both the relevant United Nations resolutions and the norms and principles of the European Union.

In closing, I would like to thank the members of the Security Council for their close cooperation and their understanding of the difficulties of a particularly complex problem — especially, if one takes into account the sensitivities involved in this particular

case, which has deep roots in history and is tightly interwoven with larger geopolitical realities.

The President (*spoke in Arabic*): It is my understanding that the Council is ready to proceed to the vote on the draft resolution before it.

I should like to inform the Council that, in my capacity as President of the Council, I have met with the representatives of the parties, who have confirmed to me that they maintain their well-known positions vis-à-vis the item on the Council's agenda. On the basis of those meetings, as President, with the consent of the members of the Council, I have drawn the conclusion that the Council can proceed to take a decision on the draft resolution (S/2006/978) before it. If I hear no objection, I shall put the draft resolution to the vote now.

There being no objection, it is so decided.

A vote was taken by show of hands.

In favour:

Argentina, China, Congo, Denmark, France, Ghana, Greece, Japan, Peru, Qatar, Russian Federation, Slovakia, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America

The President (*spoke in Arabic*): There were 15 votes in favour. The draft resolution has been adopted unanimously as resolution 1728 (2006).

The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 10.35 a.m.

Security Council

Sixty-first year

Provisional

5594th meeting

Friday, 15 December 2006, 10.35 a.m.
New York

President:	Mr. Al-Nasser	(Qatar)
Members:	Argentina	Mr. Malpede
	China	Mr. Liu Zhenmin
	Congo	Mr. Makayat-Safouesse
	Denmark	Ms. Løj
	France	Mr. De La Sablière
	Ghana	Mr. Tachie-Menson
	Greece	Mrs. Telalian
	Japan	Mr. Oshima
	Peru	Mr. Voto-Bernales
	Russian Federation	Mr. Rogachev
	Slovakia	Mr. Bartho
	United Kingdom of Great Britain and Northern Ireland	Ms. Pierce
	United Republic of Tanzania	Mr. Manongi
	United States of America	Ms. Wolcott Sanders

Agenda

International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States, between 1 January and 31 December 1994

Letter dated 15 November 2006 from the President of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 addressed to the President of the Security Council (S/2006/898)

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06-66373 (E)

Letter dated 30 November 2006 from the President of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994 addressed to the President of the Security Council (S/2006/951)

The meeting was called to order at 10.35 a.m.

Adoption of the agenda

The agenda was adopted.

International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

Letter dated 15 November 2006 from the President of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 addressed to the President of the Security Council (S/2006/898)

Letter dated 30 November 2006 from the President of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994 addressed to the President of the Security Council (S/2006/951)

The President (*spoke in Arabic*): I should like to inform the Council that I have received letters from the representatives of Bosnia and Herzegovina, Rwanda and Serbia in which they request to be invited to participate in the consideration of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite those representatives to participate in the consideration of the item, without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Prica (Bosnia and Herzegovina), Mr. Nsengimana (Rwanda) and Mr. Loncar (Serbia) took the seats reserved for them at the side of the Council Chamber.

The President (*spoke in Arabic*): On behalf of the members of the Council, I extend a warm welcome to His Excellency Mr. Zoran Loncar, Minister of Public Administration and Local Self-Government of the Republic of Serbia. In accordance with the understanding reached in the Council's prior consultations, I shall take it that the Security Council agrees to extend invitations under rule 39 of its provisional rules of procedure to Judge Fausto Pocar, President of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991; Judge Erik Møse, President of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States, between 1 January 1994 and 31 December 1994; Ms. Carla Del Ponte, Prosecutor of the International Tribunal for the Former Yugoslavia; and Mr. Hassan Bubacar Jallow, Prosecutor of the International Criminal Tribunal for Rwanda.

It is so decided.

I invite Judge Pocar, Judge Møse, Ms. Del Ponte and Mr. Jallow to take their seats at the Council table.

The Security Council will now begin its consideration of the item on its agenda. The Security Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them documents S/2006/666, containing a note by the Secretary-General dated 21 August 2006, transmitting the thirteenth annual report of the International Criminal Tribunal for the Former Yugoslavia; and S/2006/658, containing a note by the Secretary-General dated 16 August 2006, transmitting the eleventh annual

report of the International Criminal Tribunal for Rwanda.

I wish to draw the attention of members to document S/2006/898, containing the text of letter dated 15 November 2006 from the President of the International Tribunal for the Former Yugoslavia, and document S/2006/951, containing the text of a letter dated 30 November 2006 from the President of the International Criminal Tribunal for Rwanda.

At this meeting, the Council will hear briefings by the President of the International Tribunal for the Former Yugoslavia, the President of the International Criminal Tribunal for Rwanda, and the Prosecutors of the International Tribunals for the Former Yugoslavia and Rwanda.

Following those briefings, I will give the floor to Council members who wish to make comments or ask questions.

I now give the floor to Judge Fausto Pocar, President of the International Tribunal for the Former Yugoslavia.

Judge Pocar: It is a distinct honour to appear before the Security Council for the purpose of presenting the sixth report of the President of the International Criminal Tribunal for the Former Yugoslavia in accordance with Security Council resolution 1534 (2004). This report outlines the progress made by the Tribunal in achieving the objectives of the completion strategy from June to November 2006. It also describes the remaining steps to be taken and the ongoing challenges faced in this regard. It is my intention today to provide the Council with an overview of the key aspects of the report and to update members on further achievements made by the Tribunal since the submission of the report.

Before doing so, however, allow me to express my gratitude to you, Mr. President, for your country's ongoing commitment to the Tribunal's work in contributing to the maintenance of international peace and justice through the prosecution of those most responsible for serious violations of international humanitarian law in the former Yugoslavia.

Mr. President, I recall with appreciation your country's statement before the Security Council this past June, which supported my call for the international community to provide immediate assistance in arresting our six remaining high-ranking fugitives. Qatar also stressed the importance of all Member States of the United Nations to continue meeting their obligation to enhance the work of Tribunal, which is especially crucial at this stage in the Tribunal's history, and for that, I thank you, Mr. President.

By way of preliminary remarks, I note that, as the Council is well aware, the Tribunal has emerged in the past six months from a period wherein it faced extreme difficulties that required rapid response and adjustment to change. In spite of this fact, the Tribunal achieved one of the most, if not the most, productive periods in its history. In July 2006, as a result of significant reorganization of the Trial Chambers and efficient pre-trial management, the Tribunal commenced its remaining two trials of multi-accused six months ahead of schedule, namely Milutinović et al. and Popović et al.

Consequently, at one point during the reporting period, the Trial Chambers were able to try an unprecedented number of 25 accused in six trials simultaneously. Furthermore, in the past six months, the Appeals Chamber brought eight proceedings involving 11 accused to a close, marking the most productive year in the history of the Appeals Chamber. In the first quarter of 2007, the Tribunal will finish trials against four accused and close proceedings against five accused on appeal.

The Tribunal's commendable efforts during the reporting period are evidenced by its ever-diminishing caseload. To date, cases against 100 accused, out of a total of 161 indicted, have been closed. While proceedings against 61 accused remain to be completed, out of that number, 13 have already been tried and are at the appeals stage, 24 are currently on trial, only 14 are in the pre-trial stage, four are pending rule 11 bis motions for referral, and the remaining six accused are still at large.

At the current rate of the Tribunal's progress, and barring any unforeseen difficulties, all trials of accused in the custody of the Tribunal are now scheduled to be completed no later than 2009. Furthermore, the Tribunal expects that all appellate work can be concluded within two years of the end of trials.

I stress, however, that the Tribunal is not content to rest with those dates. It is constantly looking for new, creative ways to complete trials even earlier than planned, while upholding due process norms. In that regard, it is with pleasure that I inform members that

we have been able to reorganize the judicial workload and allocate Tribunal resources to exceptionally allow for the commencement of a seventh trial, on 10 January 2007, against Dragomir Milosevic. That has been possible because of the flexibility and dedication of the judges of the Tribunal, as well as the cooperation of the parties and the Registry.

The efforts made to run seven trials simultaneously are direct proof that the Tribunal is working harder than ever to ensure that proceedings against the accused will be completed as soon as possible. However, I must emphasize that, for the Tribunal, efficient completion of all trials is not only a matter of meeting completion strategy target dates; it is also a matter of respecting fundamental human rights norms. Because of the increased pace of proceedings before the Tribunal, the rights of the accused to be tried expeditiously, and not to be held in pre-trial detention for unduly lengthy periods of time, are more effectively respected.

On the issue of the detention of our accused, I am also pleased to advise the Security Council that our working group, established for the purpose of implementing the recommendations of the Swedish audit of our Detention Unit, completed its report on 4 October 2006. A public version of that report was made available to States Members of the United Nations on 29 November 2006. The working group reiterated the findings of the Swedish authorities that the conditions of the Detention Unit are of the very highest standards and concluded that the majority of recommendations made by the Swedish authorities were both reasonable and feasible. Some of those proposals have already been implemented by the Detention Unit management, and others are currently being addressed.

In that respect, I have pushed for a policy of expedited transfer of convicted accused to States where they are to serve their sentences. That is not only a matter of improving conditions within the Detention Unit; it is also a matter of upholding human rights norms in keeping the convicted separated from the accused while in detention. To that end, during the reporting period, four convicted were transferred to Austria, Italy and Denmark upon the closing of their cases.

Before providing the Council with an overview of the judicial activity of the Tribunal during the reporting period, I would like to make a few brief remarks about the resolution of the situation with respect to the accused Vojislav Seselj. As members are aware, Mr. Seselj had been refusing to take food and medicine since 11 November 2006 and had refused to be medically assessed by the United Nations detention doctor since that time. As President of the Tribunal, I kept a close watch on the situation and, in the light of Mr. Seselj's refusal to be medically assessed by the doctor of the United Nations Detention Unit, I ordered the transfer of Mr. Seselj to the Dutch penitentiary hospital, where there were better facilities to deal with any medical emergency that might have arisen.

During the period in which Mr. Seselj maintained his refusal, the Tribunal consulted with the International Committee of the Red Cross and arranged for three doctors of Serbian, Russian and French nationality, selected by Mr. Seselj himself, to visit him in the penitentiary hospital. Furthermore, the Trial Chamber issued an order suspending proceedings in his case and also ordered the Dutch authorities to take all necessary action in accordance with internationally recognized standards to preserve his life.

During this time, the Tribunal kept the international community — in particular the members of the Security Council, through their embassies in The Hague — fully apprised of developments in an open and transparent manner through meetings, press statements and a diplomatic seminar. I also personally sent written correspondence to the diplomatic community, including the President of the Security Council and the Secretary-General. I am pleased to report that on Friday, 8 December 2006, Mr. Seselj ceased his refusal to take food or medicine and that, since his recovery in a Dutch hospital facility, he has been returned to the Detention Unit. Mr. Seselj's decision to resume taking food and medicine was linked to decisions issued by the Registry and the Appeals Chamber, which addressed some of his demands.

I wish to stress that, at all times during Mr. Segelj's refusal, the Tribunal had all procedural guarantees at its disposal for appropriately handling the situation, and they functioned well. Certainly, the situation posed a difficult challenge for the Tribunal, but it was successfully resolved without sacrificing the integrity of the Tribunal's Rules of Procedure and Evidence.

Those matters aside, I would now like to continue by providing the Council with an overview of the achievements of the Trial and Appeals Chambers to date. Over the past six months, the three Trial Chambers continued to hear six trials simultaneously and managed 17 cases in the pre-trial stage. The Trial Chambers rendered judgements in the *Oric* case on 30 June 2006 and in the *Krajisnik* case on 27 September, and are expected to issue judgements in the *Mrksic* and *Martic* cases early next year. In addition, the Trial Chambers rendered judgement in the Jovic contempt proceeding on 30 August 2006.

Alongside that unparalleled caseload, the Trial Chambers were actively involved in preparing new cases for trial. I note in particular that, in July 2006, Trial Chamber II joined the *Gotovina* case with the *Cermak* and *Markac* cases, which was affirmed on appeal. Similarly, the Appeals Chamber continued to function at full capacity, issuing 170 written decisions, including 20 interlocutory appeals, three referral decisions, 131 pre-appeal decisions, one contempt decision and 12 review, reconsideration or other decisions both from the ICTY and from the International Criminal Tribunal for Rwanda (ICTR). In July 2006, final judgement was rendered in the *Ntagerura* and *Gacumbitsi* cases. The Appeals Chamber also delivered final judgments in the Simic and Galic cases in November. Additionally, as a result of efficient pre-appeal management, the appeal pending in the case of Strugar was withdrawn by both parties, owing to Strugar's age and health conditions.

Turning now to address in more detail the Tribunal's proactive approach to implementation of the completion strategy, I will elaborate on the progressive measures taken by the Tribunal towards its achievement during the reporting period.

First, the Tribunal has taken further steps in the past six months to increase the efficiency of its trials and appeals. It has fully embraced the changes advocated by the working groups on speeding up appeals and on speeding up trials, and has consequently seen marked improvement in appeal and trial efficiency. The beneficial results of the policy of the Tribunal are demonstrated by the control being exercised by the Trial Chambers in the cases of Milutinovic and Prlic.

In addition, the judges have remained vigilant in looking for new ways of improving the practices and procedures of the Tribunal's trials, such as by adopting further rule amendments. Rules 92 ter and 92 quater, adopted in September, have increased the ability of Trial Chambers to consider written statements and transcripts of witnesses in lieu of oral testimony where that evidence goes to the acts and conducts of an accused.

Furthermore, judges have taken action to expedite trial proceedings by placing limits upon the parties' cases. As I reported to the Security Council in June, the judges adopted an amendment to Rule 73 bis authorizing Trial Chambers to either invite or direct the Prosecution to select those counts in the indictment on which to proceed. The Prosecution is responding positively to directions from the Trial Chamber to reduce the scope of its indictments.

Considering that it is critical to the success of the Tribunal for the judges and the parties to work together towards completion of the Tribunal's mandate, trial judges have also made efforts to build consensus with the Prosecution by finding other ways to focus their cases, as well as those of the Defence. That policy has led to limiting the time available to the parties in dealing with their respective cases.

In addition to the concrete measures taken by the judges, the efficient completion of trials and appeals at the Tribunal has been possible during the reporting period in large part because of the dedicated work of its highly competent and qualified staff. In my previous two reports to the Security Council, I underscored the fact that the realization of the Tribunal's completion strategy depends largely upon the Tribunal's improving its procedures until its closing by drawing upon its past experiences. This is possible only if the Tribunal is able to retain its staff, who have the historical experience of the Tribunal's operations and a sense of ownership of the Tribunal's mandate. In order to ensure retention of its best staff, accelerated promotions have been implemented whenever possible.

Secondly, the Tribunal increasingly relied on ad litem judges for realizing completion strategy objectives. As highlighted in my last report, the contribution by ad litem judges to the work of the Tribunal was greatly enhanced by the Council's adoption of resolution 1660 (2006), which increased the number of ad litem judges from nine to 12 and allowed for the assignment of ad litem reserve judges to the multi-accused cases. It cannot be emphasized

enough that those judges have been an extremely valuable resource for the Tribunal. In the past six months, four ad litem judges were assigned to two of the multi-accused cases. In addition, four serving ad litem judges were assigned to second cases so as to allow new trials to commence as efficiently as possible.

Thirdly, the Tribunal has continued its work in referring cases involving intermediate- and lower-ranking accused to national courts in the former Yugoslavia pursuant to Rule 11 bis, which is vital both with respect to meeting the completion strategy goals and for the legacy of the Tribunal. During the reporting period, two cases involving three accused were transferred to the region. To date, referrals involving 11 accused have been completed, nine of which have been transferred to the Special War Crimes Chamber in Bosnia and Herzegovina and two of which have been transferred to the authorities of Croatia for trial before its domestic courts. Only three cases remain pending before the Referral Bench, and one referral decision has recently been appealed.

I remind the Council that, upon referral of cases to the region, the work of the Tribunal does not end with respect to those cases. Under our Rules, the Tribunal continues to monitor the domestic trials in order to ensure that they are being conducted fairly and with full adherence to human rights norms. It is critical to the success of the Tribunal's completion strategy and to upholding the rights of victims, as well as those of the accused, that all referred cases are conducted in full compliance with the highest standards of due process. I am happy to report that, on 14 November, the trial of the first referred accused, Stankovic, came to a close in the Sarajevo Special War Crimes Chamber, and the Tribunal is satisfied that that trial met the requirements of due process.

On this note, the Tribunal is acutely aware of the need to further the rule of law in the former Yugoslavia by providing continued and sustained support to local judiciaries and prosecutors in the region. Consequently, during the reporting period the Tribunal engaged in numerous efforts to strengthen the capacity of national jurisdictions. Making use of its field offices, the Tribunal liaised closely with the local judiciaries and took part in a number of professional symposiums, which I will not list here.

Access to the Tribunal's website continued to be a key tool for outreach to legal professionals and the general public in the former Yugoslavia.

I urge the Security Council, and the international community as a whole, to protect our achievements thus far in the region and to take the necessary steps to fully entrench the rule of law, particularly by providing continued and sustained support to the local judiciaries and detention facilities. It is those courts that will continue the historic work of the Tribunal in trying perpetrators of war crimes, crimes against humanity and genocide long after the Tribunal has completed its mission. Furthermore, it is crucial for reasons of stability and reconciliation in the region that these national trials uphold the highest standards of due process so that justice is done and is seen to be done by the victims and the international community as a whole.

Finally, the success of the Tribunal in the efficient completion of its proceedings has always hinged significantly upon State cooperation and non-interference in cases once they have commenced. During the reporting period, the Russian authorities ensured the transfer of Zelenovic to the authorities of Bosnia and Herzegovina, which then transferred him to the Tribunal in June. However, apart from that single transfer, States failed to arrest and transfer the Tribunal's remaining six high-level fugitives.

The Tribunal is deeply troubled by the failure to apprehend these accused, especially Ratko Mladic and Radovan Karadzic, and I urge all States to take immediate, concrete measures to actively seek their whereabouts. The judges of the Tribunal remain adamant that we must not close our doors without their arrest and trial. To do otherwise would mean that the International Tribunal would not have fully discharged its mandate, and the message and the legacy of the Tribunal that the international community will not tolerate impunity for serious violations of international humanitarian law will be dangerously undermined.

Let me now provide the Security Council with an updated prognosis for the Tribunal's implementation of the completion strategy. I wish to confirm, as stated previously, that trials will have to run into 2009. Currently the Tribunal has nine trials in the pre-trial stage, in addition to its six ongoing trials and 13 cases pending appeal from judgment. As it is anticipated that all trials currently pending will likely be subject to

appeal, the Tribunal will probably have 15 appeals following the conclusion of those trials, which are expected to be disposed of within two years of the end of the trials. There remain, however, a number of key factors that will influence whether the conclusion of trials and appeals within this time frame remains feasible.

First, the primary factor remains the success of the multi-accused trials. Currently, these trials are running very smoothly. However, there are indications that, absent the Trial Chambers' firm control and full cooperation of the parties, these trials may run longer than originally anticipated. As can be observed from the *Milutinović* and *Prlić* trials, it is proving to be a running battle to ensure that the proceedings remain within the shortened time frame allotted by the Trial Chambers. Recently, the *Prlić* Trial Chamber issued a further decision reducing the amount of time allocated to the Prosecution for the presentation of its case, which has been certified for appeal before the Appeals Chamber and has to be decided by the Appeals Chamber shortly.

Secondly, while the Judges continue to do everything in their power to ensure the expeditious conduct of proceedings while respecting due-process norms, there are, naturally, factors outside of their control, including illness of the accused or counsel, lack of cooperation by the parties, unavailability of witnesses and the absence of full State cooperation, which may have a negative impact on the speed at which these cases proceed.

Thirdly, completion strategy target dates may be threatened if referrals of cases of lower and intermediate accused to the region were to be revoked and sent back to the Tribunal due to a failure by local courts to uphold fair-trial principles.

Finally, I have already raised the critical issue of the six outstanding fugitives, and in particular, the necessity of apprehending Mladic and Karadzic. For a decade, the Tribunal has repeatedly called on Member States to ensure the arrest of those fugitives, without result. The continued failure to ensure their arrest now renders the 2009 date for the completion of all trials doubtful. Again, the mandate of the Tribunal cannot be regarded as fully implemented without the trials of those high-level accused.

In conclusion, the Tribunal remains entirely committed to meeting the completion strategy objectives while upholding the highest standards of due process, and it continues to forge full speed ahead with its mandate as part of the furtherance of peace and security in the former Yugoslavia. The Tribunal is constantly refining its practices and adopting the necessary mechanisms to improve the efficiency of its proceedings and uphold the rights of the accused to be tried without undue delay. Furthermore, it is exploring new measures, such as its commencement of a seventh trial during the reporting period, to reach those goals and to retain the support of the international community until its mandate is fully completed. The Tribunal is also turning its attention to the future, actively working to secure the rule of law in all the States of the former Yugoslavia through its partnership with local judiciaries.

The Tribunal remains ever indebted to the Security Council for its steadfast support to date. Owing to the Council's visionary thinking in establishing the Tribunal in 1993, it has now become common practice worldwide to hold individuals responsible for war crimes, crimes against humanity and genocide. I call upon the member States of the Council to maintain their support for the Tribunal in the final years of its mandate. As this report indicates, there is still much work to be done. Together, we must see the historic work of the Tribunal through for the cause of international justice, the continued fight against impunity, and the promotion of international peace and security.

The President (*spoke in Arabic*): I thank Judge Pocar for his important briefing to the Council.

I now give the floor to Judge Erik Møse, President of the International Criminal Tribunal for Rwanda.

Judge Møse: It is an honour to address the members of the Security Council and to present the updated version of the International Criminal Tribunal for Rwanda completion strategy report, which was submitted on 30 November 2006.

When the ICTR Prosecutor and I appeared before the Council in June 2006, 55 persons had their cases completed or ongoing. That number has now increased to 59. Three further judgments were rendered in September 2006. Since the report was submitted on 30 November 2006, another judgment has been rendered.

Thirty-two accused have now received judgments. Let me briefly mention the four Trial Chamber judgments just referred to.

Jean Mpambara, a bourgmestre, was acquitted of all charges against him on 12 September 2006. On the same day, Tharcisse Muvunyi, commander of the École sous-officiers, was convicted of genocide, direct and public incitement to commit genocide, and crimes against humanity. He was sentenced to 25 years of imprisonment.

On 20 September 2006, André Rwamakuba, who was the Rwandan Minister of Primary and Secondary Education, was acquitted of all charges against him. On 13 December 2006, Athanase Seromba, a priest, was convicted to 15 years' imprisonment for genocide and extermination as a crime against humanity.

The judgments in the Mpambara and Rwamakuba trials bring the number of acquitted persons at the ICTR to five.

Let me now turn to the nine trials that are in progress, involving 25 accused. The five multi-accused trials continue to represent our main challenge because of their volume and complexity, and hence the time needed to complete them. It is therefore important to note the progress made.

I am very pleased to report that the Military I case was virtually concluded on 12 December 2006. In that trial, which involves four alleged senior military leaders in 1994, a total of 82 prosecution and 157 defence witnesses were heard in the course of 400 trial days. Three additional witnesses will be heard by video link in January 2007. Following written and oral submissions in coming months, judgment will be rendered in 2007.

Another welcome development since the submission of the completion strategy report is the fact that in the Butare trial, the fourth of the six accused has now commenced presenting his case. The hearing of the evidence is expected to conclude in 2007.

In the Government trial, which involves four Government ministers, the second of the fourth accused is presenting his evidence. It is expected that the evidence will have been heard by the end of 2007.

In the Military II trial, involving four accused, the Prosecution closed its case on 7 December 2006, having presented 72 witnesses. The Defence case will commence in the first months of 2007, with conclusion in 2008.

In the Karemera et al. case, involving three accused, the Prosecution is presenting its case. The Trial Chamber has taken steps to ensure that the Prosecution case should be completed before the middle of 2007 in order to conclude the trial in late 2008.

Turning now to the single accused cases, closing arguments were heard in the Karera trial in November this year. Judgment is expected in early 2007. In the Zigiranyirazo case, the Defence is currently presenting its evidence.

During the Security Council meeting in June 2006, I mentioned that three new trials were expected to commence in the second half of 2006. The Tribunal met this target. The Bikindi and the Nchamihigo cases began on 18 September and 25 September 2006, respectively. The third new single accused case, Rukundo, commenced on 15 November this year. All three trials are expected to conclude in 2007.

Let me now address the situation of the detainees who are awaiting trial. Our completion strategy report mentions that there are 11 accused in this group. I am pleased to inform the members of the Security Council that this number is now, in fact, lower. The first of these cases, Renzaho, is scheduled to commence on 8 January 2007. Secondly, yesterday, Joseph Nzabirinda, a businessman and youth organizer, pleaded guilty to a count of murder, as crime against humanity, thereby increasing the number of persons having pleaded guilty to 7. Thirdly, the Prosecutor this week filed a new request to transfer the case of Mr. Bagaragaza to a national jurisdiction. In his intervention, he will provide further information.

I am therefore pleased to confirm that the ICTR is on schedule to complete cases involving between 65 and 70 accused by the end of 2008, as envisaged in our completion strategy.

In order to achieve this aim, continuity is of the essence. On 13 June 2006, the Security Council adopted resolution 1684 (2006), which extended the term of office of all ICTR permanent judges until 31 December 2008. On 13 October 2006, resolution 1717 (2006) extended the terms of office of all ICTR ad litem judges until the same date. I would like to express our appreciation to the Security Council for

having granted our two requests. This provides the Tribunal with the continuity, stability and certainty necessary for the efficient planning of trials.

Eighteen indictees are at large. The ICTR will not be able to prosecute all these accused by December 2008, should they be found, but some of them should be tried by the ICTR. It is essential that Member States cooperate in the arrest and transfer of these persons. In June 2006, the Prosecutor and I referred specifically to Félicien Kabuga, who is in East Africa. Since then, many efforts have been made to obtain his transfer to Arusha, but so far without success. The Prosecutor will provide further information about this. Let me simply reiterate, in view of the completion strategy, the importance of Kabuga being arrested and transferred to the ICTR as soon as possible in order to determine his guilt or innocence.

The Prosecutor will address the Security Council on his plan to transfer some ICTR indictees to national jurisdictions for trial. This is an important part of our completion strategy. Member States are encouraged to be receptive to discussions concerning transfer. The Prosecutor will also provide updated information about Rwandan initiatives to abolish the death penalty.

In connection with State cooperation, I have to come back to the situation of acquitted persons. This was raised before the Council in June, as well as in the General Assembly in October, but there is still no progress. As of today, only one of the five persons acquitted by the Tribunal has found a country of residence. The other four are under the protection of the Tribunal in Arusha. Let me reiterate that the situation is particularly serious for André Ntagerura and Emmanuel Bagambiki, who were acquitted by the Trial Chamber in February 2004, and whose acquittals were confirmed in February 2006. The Registry has without success made many attempts to find a country for them. On behalf of the Tribunal, I must again appeal to Member States to receive acquitted persons in their territories. There is a need to find solutions to these problems. Let me add that it may also be problematic to relocate persons who are released after having served their sentences following convictions.

I have now described the high level of productivity in the four courtrooms of the ICTR during the last six months, with the Tribunal conducting nine trials involving 25 accused and rendering four judgments. In parallel with these core activities, all three branches of the ICTR continue to improve their working methods. Some of these processes are described in our report and its annexes.

I am pleased to confirm that Rwanda has continued to cooperate with the Tribunal by facilitating the flow of witnesses from Kigali and by providing documents to the Prosecution and to the Defence.

On behalf of the Tribunal, let me conclude by thanking the members of the Security Council, the secretariat and the Member States for their support to the successful completion of the work of the ICTR.

The President (*spoke in Arabic*): I now give the floor to Ms. Carla Del Ponte, Prosecutor of the International Criminal Tribunal for the former Yugoslavia.

Ms. Del Ponte: It is an honour to be given the opportunity to report once more to the Council. Appearing before the Council is an important duty and a good opportunity to report on the completion strategy.

This time, however, I believe it is essential to also seek fresh guidance on fundamental issues of the completion strategy — namely, a strong message is needed from the Council in relation to the fugitives, especially Karadzic and Mladic. And that message should be that their trial can begin in The Hague at any time until 2010, and a mechanism will be established for them to be tried in The Hague after that date.

Since my last assessment, in June, my Office has been working productively with the Chambers to speed up trials, while trying to maintain the highest standards of fair trial and due process. The transfer of cases to domestic jurisdiction has also continued to progress well. In accordance with Security Council resolution 1503 (2003), my Office proposed to the Chambers the referral of all cases involving mid- and lower-level accused. In one case, Dragomir Milosevic, the referral bench denied the prosecution's motion on the ground that the accused was too senior to fit in that category.

Therefore, I believe that we have reached the limits in this matter and, unless the Security Council modifies the seniority conditions under which an accused can be transferred to local courts, there is no legal possibility to transfer more cases. The remaining cases all involve the most senior leaders responsible for the most serious crimes.

Following my initiative to join cases involving similar crimes, two further multiple-accused cases opened in The Hague in July. One case concerns the Srebrenica genocide, with seven accused, all former senior aides to Ratko Mladic. It is very unfortunate that Mladic himself could not be tried with his close associates. The other case involves six top political and military leaders from Serbia for their role in the crimes committed in Kosovo. A seventh accused, Vlastimir Djordjevic, should also be present at that trial. His last known whereabouts were in Russia. In total, we have 24 individuals on trial at present, the largest number of accused on trial at any one time in the Tribunal's history.

More written evidence has been admitted in trials. As a consequence, we have been able to limit the time allocated to the examination-in-chief of prosecution witnesses to a minimum. In a large-scale trial of six accused, for instance, the prosecution has used an average of roughly two court hours per witness, but less than half an hour for crime-base witnesses, which is extremely efficient by any standard. In several trials, the Chambers have also accepted via judicial notice a higher number of facts established in previous trials. Those facts, therefore, do not need to be proven again.

When directed by the Trial Chambers, I have acted in a cooperative spirit to select the counts on which to proceed, for instance in the Perisic and Dragomir Milosevic cases. My Office has also reacted in a helpful way to the directions by the Chambers on time limits set for the presentation of the prosecution case. As long as the measures taken to increase the efficiency of trials do not undermine the prosecution case or the rights of the victims, I will be willing to go along with them.

I wish nevertheless to draw the attention of the Council to some negative reactions from victims' groups in Bosnia and Herzegovina. I forwarded to the presidency of the Council a letter from the association Women Victims of War from Sarajevo. I have received more such letters in the meantime. On 30 November, I met victims' groups in Sarajevo. Many of them are bitter about the completion strategy because they believe that all high-level cases, including of course Karadzic and Mladic, must be tried in The Hague. Furthermore, they do not understand why some crimes should be removed from indictments. They see the Tribunal as a promise of justice and as a concrete sign that the international community cares about their suffering. They find it profoundly unjust to envisage closing the Tribunal before it has successfully completed its task. Of course, Karadzic and Mladic are, in their minds, the two individuals most responsible for genocide, war crimes and crimes against humanity committed in Bosnia and Herzegovina. There is no place other than The Hague to try them.

While the judicial authorities in Bosnia and Herzegovina, Croatia and Serbia have stepped up their efforts to try war crimes, the political bodies in Bosnia and Herzegovina and in Serbia have not shown the political will necessary to arrest the remaining fugitives. I have explained to the Council in previous presentations the reasons why, in my assessment, six accused are still at large. I will come back to that issue more extensively in the course of my next assessment, which will also be my last.

Over the past six months, Serbia has been busy working out a so-called action plan to capture the remaining fugitives. That initiative has thus far proven to be just another smokescreen. Since I took office in 1999, I have been confronted with the same reality — none of the successive Serbian Governments has been truly willing to arrest Ratko Mladic and Radovan Karadzic. It has now come to light that most of the detailed information I was passing to the highest Serbian officials back in 2001 and 2002 was accurate, but those officials — some of whom still hold key positions today — were simply pretending that my information was wrong. However, history now shows that my information was indeed correct. In 2002, the then President himself signed the decision on the retirement of General Mladic. Therefore, despite his denials at the time, he knew perfectly well that Mladic was being sheltered by the army, just as I was telling him. My assessment remains that the Serbian Government could easily arrest Ratko Mladic should the authorities want to do it. It is simply a question of political will.

There are many reasons why democratically elected leaders pretending to show the utmost respect for the rule of law have been protecting persons indicted for genocide for so long. I will not elaborate on this further at this stage, but the wilful failure of Serbia to cooperate with my Office, and in particular to arrest and transfer Mladic and Karadzic, is a demonstration of utmost disrespect towards thousands and thousands of mainly Muslim, but also Croat and

other non-Serb victims in Bosnia and Herzegovina, that is likely to impact on the relations between the various communities within the region for decades. The only way to remove that stain would be for Serbia to arrest and transfer Karadzic and Mladic immediately.

The situation is not much more favourable in Bosnia and Herzegovina. There, the central institutions are not working efficiently and the authorities of the Serb entity, despite some recent improvements, have not shown so far a robust willingness to arrest Radovan Karadzic and Stojan Zupljanin. Those are the fugitives who are most likely to be in Bosnia and Herzegovina. Both at the central and at the entity level, key institutions remain stuffed with individuals who used to be and maybe still are closely connected to Karadzic and his network. As long as Serbia and Bosnia and Herzegovina do not cooperate fully with my Office and with each other, the most important indictees will continue to escape justice, thus affecting the completion strategy.

Within the limits set by the interests of justice, my Office is doing its utmost to meet the objectives of the completion strategy. However, unless the Security Council allows the transfer of more accused, we will not be able to achieve the target date of 2008. Furthermore, we have already missed the opportunity to try Karadzic and Mladic with other accused. Strong incentives must remain in place for Serbia and Bosnia and Herzegovina to fully cooperate with my Office.

The European Union has been a key partner over the past years. Nineteen out of the 24 accused currently on trial were transferred to The Hague as a direct result of the European Union's policy of conditionality. I trust that the European Union will remain a reliable supporter of the ICTY. Despite its clear failure to capture Karadzic and Mladic, NATO over the years has provided useful political support to the Tribunal. The recent decision of NATO to allow Bosnia and Herzegovina and Serbia into the Partnership for Peace, however, is a powerful signal that international support for the Tribunal is decreasing.

Therefore, I wish to request the Security Council to say whether, as some permanent members have stated in the past, it considers that the ICTY should stay open until Karadzic and Mladic are tried in The Hague. That is very important for the tens of thousands of victims who have placed their hope in the justice provided by the United Nations. They have the right to know whether they can still count on the promises made by the Security Council when it created the Tribunal 13 years ago. As we are all aware, many victims have the perception that the United Nations abandoned the so-called safe areas to the troops of Karadzic and Mladic. Let us not, by our actions, give them further reason to feel that the United Nations and the Security Council did not do everything in their power to ensure that the accused most responsible were brought to justice.

Those are not easy words, and there are not easy times ahead of us. But there are steps that can be taken. First, as indicated, the Council must consider changing the conditions under which an accused can be transferred, so that, if necessary, the Tribunal can meet its objectives in time. Secondly, the political will to arrest remaining fugitives must be strengthened. Thirdly, the Council must confirm that there remains the possibility for the Tribunal to continue its mandate until such a time as fugitives such as Karadzic and Mladic are brought to trial.

The full and forceful support of the Security Council for the Tribunal needs to be expressed now. Strong messages must be passed to Serbia and Bosnia and Herzegovina so that they finally deliver the fugitives from justice, especially Karadzic and Mladic. Clear guidance must be provided to us so that we can complete our mandate in a dignified and successful manner.

The President (*spoke in Arabic*): I thank Prosecutor Del Ponte for her briefing.

I now give the floor to Mr. Hassan Bubacar Jallow, Prosecutor of the International Criminal Tribunal for Rwanda.

Mr. Jallow: Members of the Council now have before them the revised completion strategy document of the International Criminal Tribunal for Rwanda (ICTR), which is based on developments as of 30 November 2006 and which was submitted by Judge Erik Møse, President of the Tribunal, in consultation with the Office of the Prosecutor and the Registry. The ICTR continues to make steady progress towards the completion of its mandate, in accordance with the deadlines set by Security Council resolutions 1503 (2003) and 1534 (2004). We remain committed to the deadlines and confident of the Tribunal's ability to comply with the completion dates that have been set by the Security Council.

Since our last report to the Council, five cases have been completed — as mentioned by the President of the Tribunal. Of those five cases three accused were convicted, one of whom pleaded guilty, and two were acquitted. As planned, in the past six months the Prosecution was able to commence trials in three new cases. Those cases are proceeding steadily and satisfactorily. The trials of 25 accused persons are in progress before the Trial Chambers, with 22 accused being tried jointly in five multiple-accused cases. While those cases present a major challenge, they are nevertheless all expected to conclude at various times during 2007 and 2008. None of them is projected to go beyond the end of 2008. The conclusion of any of those multi-accused cases will provide an opportunity to enhance the capacity of the Tribunal to proceed with the trials of additional single-accused cases.

The commencement of the rule 11 *bis* transfer of indictees to national jurisdictions for trial received a temporary setback when both the Trial Chamber and the Appeals Chamber of the Tribunal rejected the request of the Prosecutor for the transfer of Michel Bagaragaza to Norway for trial. That decision was based on the Chamber's view that Norway lacks jurisdiction to prosecute Bagaragaza for the offences on which he had been indicted. However, I have now filed a second request for the transfer of his case to another European country, which has agreed to take the case and which, in our view, is able to exercise jurisdiction over the offences in the indictment. A decision is pending on the application. Meanwhile, another European country has agreed to take on cases on transfer from the ICTR. Accordingly, I propose, early in 2007, to request the transfer of three other indictees to that country.

The option of transferring cases to African countries other than Rwanda is not likely to be viable. All the African countries that I have approached in that respect —while in principle supporting the sharing of the Tribunal's workload — have pleaded capacity and resource constraints and overloaded national judicial systems as obstacles to their participation in that exercise. Rwanda therefore remains the only African country willing, although not yet ready in the sense of fulfilling the conditions for transfer, to receive from the ICTR cases of indictees for trial.

Unfortunately, despite the increased activity of the Tribunal's tracking team, in the past six months we have not been able to apprehend and transfer to the ICTR any of the 18 fugitive indictees who continue to evade the ICTR. The evasive strategies of the fugitives — including their constant mobility across a large belt of East, Central and Southern Africa, their refuge in inaccessible areas of the Democratic Republic of the Congo and changes in personal identity — have posed severe challenges to the efforts to track them down. So also has the matter of State cooperation and the level of such cooperation.

In the past six months I have continued consultations with officials of the Kenyan Government regarding the case of Félicien Kabuga, who remains at the top of the list of fugitives. Members will recall that in resolution 1503 (2003) the Security Council requested Kenya to cooperate with the ICTR in the matter of his arrest and transfer to the Tribunal for trial. The information available to us continues to confirm Kabuga's connection with the territory of Kenya. In September 2006, I undertook a mission to Kenya to discuss that matter with Government officials. I was assured by officials and ministers of the Government's commitment to collaborate with the Tribunal in searching for the fugitive in Kenya, to have him arrested if found and to investigate his assets in Kenya. A number of measures were agreed upon as a result of our discussions. I was to be advised of the status of the implementation of those measures by the Government of Kenya by 15 November 2006. I am awaiting the report of the Kenyan Government in that respect. The Council's encouragement of Kenya to intensify its collaboration with the ICTR in the matter of Félicien Kabuga continues to be necessary.

I wish to take this opportunity to place on record our appreciation to the group of ambassadors in Kenya known as the friends of the ICTR, which is largely comprised of ambassadors from the United States of America, the European Union and Canada, for their active support in our discussions with the Government of Kenya. I look forward to their continued involvement in this matter.

Looking ahead to next year, our focus will continue to be on the timely and efficient conclusion of the cases of those currently on trial, the preparation and commencement of new trials, the intensification of the tracking programme for the arrest and transfer of fugitives for trial and the referral of cases of indictees to national jurisdictions for trial.

Of the 11 indictees currently in detention awaiting trial, five have been identified for transfer to national jurisdictions. In the meantime, guilty-plea negotiations are ongoing with some of them. The remaining cases from that category will be made trial-ready by my Office, with up to three cases being ready to commence in the first half of 2007, should courtroom space be available.

Of the 18 fugitives who remain at large, a maximum of six, including, of course, Félicien Kabuga, will be prepared for trial in Arusha in the event of arrest. The cases of those 12 accused people — that is to say as of today, six who are currently in custody and six who are currently at large — can, we believe, conveniently be concluded over the two-year period 2007-2008. The policy of single-accused trials, together with the space and resources which are progressively becoming available over the same period with the conclusion of the multi-accused trials, would provide an additional advantage in dealing with the remaining caseload.

The Appeals Chamber of the ICTR, in its decision in the case of *The Prosecutor v. Karemera et al.*, delivered earlier this year, ruled that Trial Chambers should now take judicial notice of the occurrence of the genocide in Rwanda as a notorious historical fact that requires no proof. It has recently reaffirmed that decision. By eliminating the need for such proof, that judicial decision has the potential to shorten the proceedings in the remaining cases.

Twelve fugitives have been earmarked for transfer to Rwanda, together with five of the detainees currently in custody. The indications, following consultations in Rwanda, are that the death penalty, a major obstacle to the transfer of any case to Rwanda, will be abolished not just in relation to the cases of the ICTR, but across the board. As soon as that is accomplished, I shall be requesting the transfer of the cases of those 17 indictees — the 12 who are at large and five who are in custody — to Rwanda for trial. I hope that can be done in the first half of 2007. The number of cases — 17 — for referral to Rwanda may rise to include any of the six top-level fugitives currently earmarked for trial in Arusha, if they are not arrested by the end of 2007.

If, for any reason the referral of cases to Rwanda becomes impossible, then the cases so earmarked will fall back within the workload of the Tribunal, either to be prosecuted in Arusha or to be transferred to another jurisdiction. We hope that the former will not arise and that referral to another national jurisdiction in that event will still be feasible.

Council members are aware that capacity-building is crucial to a successful strategy of partnership with national jurisdictions. Indeed, the Council has, in its resolutions and statements, called for capacity-building assistance to those countries which are willing to share the burden of the struggle against impunity. As members will observe from annex 5 to the completion strategy document (S/2006/951, enclosure), the ICTR in its own limited way has been assisting Rwanda in that respect through its outreach programme. The efforts of the Governments of the United States of America and of the European Union member States to improve the legal system of Rwanda are also to be commended.

I have indicated to the Security Council in my previous reports that my Office has felt it necessary to carry out further enquiries after our evaluation of the material relating to alleged violations of humanitarian law by the Rwanda Patriotic Front. I expect that, in the course of 2007, those enquiries should conclude, enabling us to decide which way to proceed.

The Tribunal has continued to receive substantial cooperation and support from Rwanda and other States Members of the United Nations in many matters. Increasingly, and happily, many States are now willing to share the burden of prosecuting alleged génocidaires. The United States, Canada and several States in Europe have now established special offices to prosecute suspected génocidaires who may have taken up residence within those countries. My Office has been collaborating with such offices by providing them with material evidence and other support to ensure that impunity does not prevail in these instances. I wish to assure them all of our continued cooperation.

As we draw nearer to the end of our mandate, the ICTR will also be paying particular attention to legacy issues, staff retention and residual matters which will remain after closure. The Security Council will receive proposals in due course on some of those matters. Staff retention is, however, a matter of immediate concern. Whilst we do not envisage any need for additional resources beyond current budgetary levels, and may indeed anticipate a decline in some areas eventually, it

is probable that the Tribunal will lose some of its most experienced staff, who may naturally be looking for greater security elsewhere. This will come at a critical period of our mandate. It is necessary and urgent that a system of incentives be put in place to enable the Tribunal to retain the staff that it requires from 2007 to completion. We look forward to the understanding and support of Member States in respect of proposals for staff retention which are currently under consideration within the United Nations.

Let me conclude by extending my appreciation to the Security Council, other organs of the United Nations and the Secretariat for the support they have provided to the Tribunal over the years. In that respect, I must single out His Excellency Mr. Kofi Annan, the Secretary-General, who has been a pillar of encouragement, understanding and support not just for the ICTR and the other Tribunals, but for the wider cause of international criminal justice. His commitment to this cause has been a source of great strength to the Tribunals. The Action Plan to Prevent Genocide, launched by the Secretary-General on the occasion of the tenth anniversary of the Rwanda genocide, provides the international community today with an opportunity and a mechanism to carry the struggle against impunity further, in a holistic way combining preventive and remedial strategies. We look forward to the continued support of the international community in the implementation of the Action Plan.

On behalf of my staff and on my own personal account, I wish to sincerely thank His Excellency the Secretary-General for his leadership, and to wish him well in his retirement. I also wish to seize this opportunity to congratulate and welcome the incoming Secretary-General, His Excellency Mr. Ban Ki-moon, and to wish him all the best in the execution of his mandate.

The President (*spoke in Arabic*): I thank Mr. Jallow for his briefing.

I now invite Council members who wish to make comments or to ask questions to so indicate to the Secretariat.

Mr. Manongi (United Republic of Tanzania): I want to begin by welcoming the President of the International Criminal Tribunal for the Former Yugoslavia (ICTY), Judge Fausto Pocar, and the President of the International Criminal Tribunal for Rwanda (ICTR), Judge Erik Møse, and thanking them for their respective reports and oral briefings. I also wish to thank Prosecutors Carla Del Ponte of the ICTY and Hassan Jallow of the ICTR for their contributions to those reports.

We are pleased to note that the two Tribunals are steadily working to meet their completion strategies. We welcome the fact that both are increasing the speed of their work by devising various strategies which have proven to be of immense help. However, my delegation also notes that the two Tribunals are troubled, as we are, by the lack of progress in the arrest of the remaining fugitives who are important for the completion of the mandates of the Tribunals.

With regard to the International Criminal Tribunal for Rwanda, my delegation welcomes the number of judgements delivered as well as the others to be concluded soon. We commend that progress, as we do the progress being made in the trials before the Tribunal. We find in the report (S/2006/951, enclosure) that the time frame of the completion strategy for the trials still remains 2008, as provided earlier. We have observed, however, a shift in some elements of the strategy, which are now based on specific and updated assessments of the scope and nature of each case, while previously these were based on a statistical average in the light of general experience from completed trials. We view this shift as being prompted by the difficulty of relying on estimates. It is, in our view, a right response to real demands.

It is also obvious that the transfer to national jurisdiction is a very important factor for both Tribunals in fulfilling their completion strategies. For the ICTR, the Prosecutor has already transferred 30 case files to Rwanda and is considering additional cases for such transfer to other national jurisdictions. We support this strategy, but as we have expressed on previous occasions, we have to assist the national jurisdictions by improving national capacities to prosecute cases transferred to them, especially the capacity deficiencies mentioned by the Prosecutor in his presentation. It is in this regard that we commend the special fellowship programme for Rwandan law students.

With regard to the International Criminal Tribunal for the former Yugoslavia (ICTY), measures adopted earlier to adopt the completion strategy seem to be on course. These measures, which include the speeding up of trials and appeals, an increase in the

number of ad litem judges and referral to national jurisdictions, were the right steps. We commend Prosecutor Del Ponte for her insistence on observing international fair-trial principles and the highest standards of due process in these referrals. Her declaration that she will not hesitate to take the cases back if the standards are not met is an appropriate assurance.

The current ICTY report maintains the Tribunal's completion date as 2009. However, it also lists factors outside the control of the Court that may affect its completion strategy, such as illness of the accused or the defence counsel, availability of witnesses, retention of qualified staff and, most importantly, State cooperation in the apprehension of the remaining fugitives. These factors are real and affect both Tribunals.

We are concerned that Ratko Mladić and Radovan Karadzić continue to remain outlaws. These two individuals, with the other six fugitives, have remained beyond the reach of the law for far too long. The ICTY will not have fully discharged its mandate without the arrest and trial of those indictees.

We are sympathetic to the view that the Security Council may wish to reconsider its position on the completion strategies for the two Tribunals. The arrest and trial of high-ranking fugitives like Mladić, Karadzić and Kabuga must be factored into the completion strategies. These individuals remain fugitives in the hope of outliving the Tribunals. The Council should make it clear that the Tribunals will maintain their jurisdiction with respect to each fugitive's accountability.

We also wish to raise the question of enforcement of sentences of convicted persons and the fate of those acquitted by the Tribunals. States must be encouraged to take up these two categories of persons and share the burden of promoting international justice. We therefore appeal to all Member States to accept the relocation of acquitted persons and to accept enforcement of sentences in their territories for those found guilty. We commend those States that have expressed willingness to take on cases on transfer from the ICTR. We encourage them also to consider accepting relocation of acquitted persons as well as the enforcement of sentences in their territories.

In conclusion, we again appeal to all Member States to honour their contributions to the two Tribunals, which can only discharge their mandates effectively with our full support, including financial support.

Ms. Sanders (United States of America): With regard, first, to the International Criminal Tribunal for the Former Yugoslavia (ICTY), the United States expresses its appreciation to President Pocar and Ms. Del Ponte for their reports to the Council. The United States remains strongly committed to the International Criminal Tribunal for the Former Yugoslavia and is pleased to note the increased pace of trials in recent months. The Tribunal is now conducting seven trials simultaneously and has taken other steps that demonstrate its dedication to efficiency. We must continue to work together to ensure the success of the Tribunal's completion strategy, as previously endorsed by this Council, which seeks to conclude trials by 2008 and all work by 2010.

However, we cannot accept the possibility that the outstanding fugitives, notably Ratko Mladić and Radovan Karadzić, might escape justice by outlasting the Tribunal's existence. It is therefore imperative that we begin discussions now on how best to guarantee that they face justice, no matter when they are apprehended. As we have stated previously, the Tribunal's doors will always remain open for Mladić and Karadzić. The Council and interested States must begin to address seriously this and other legacy issues, such as planning for continued witness protection and proper maintenance of archives.

We call on all States to cooperate fully with the ICTY, in particular through the apprehension and transfer of fugitives to the Tribunal. We also call on Serbia and the Bosnian Serb authorities to fulfil their obligations to the ICTY without further delay, including through the apprehension and transfer of fugitives to The Hague.

With regard International Criminal Tribunal for Rwanda (ICTR), the United States expresses its appreciation to President Møse and Mr. Jallow for their reports to the Council. The United States remains strongly committed to the International Criminal Tribunal for Rwanda and is pleased to note the increased pace of trials under the leadership of President Møse. We must continue to work together to ensure success of the Tribunal's completion strategy, which seeks to conclude trials by 2008 and all work by

2010, as was previously endorsed by the Security Council.

In its last update on the completion strategy, the Tribunal noted various new measures designed to expedite trials. We commend such measures and invite the Tribunal to continue to improve trial efficiency.

The success of the completion strategy does not depend solely on the Tribunal, but requires the continued assistance and cooperation of Member States. The completion strategy will involve the transfer of cases from the Tribunal to domestic jurisdictions. The international community can assist this endeavour by supporting the Tribunal's efforts to create the capacity for domestic trials.

Building this judicial capacity is particularly important in Rwanda, where the Rwandans have urged the ICTR to transfer outstanding cases to their jurisdiction. The transfer of those cases requires Rwanda to have an adequate judicial system to meeting international fair-trial standards. The 1994 genocide seriously devastated Rwanda's judicial capacity. Rebuilding is an arduous process and Rwanda has made remarkable progress, but there still remain critical steps to be completed before ICTR transfers can take place. We urge Rwanda to act swiftly and effectively in fulfilling these steps and to work closely with the ICTR in negotiating these Rule 11 transfers. We also encourage international donors to continue their current support.

We again call on all States, particularly Kenya and the Democratic Republic of the Congo, to fulfil their international obligations to apprehend and transfer to the ICTR all persons indicted for war crimes by the Tribunal who are within their territory. These fugitives continue to foment conflict in the Great Lakes region and must be actively pursued and apprehended, consistent with numerous Security Council resolutions adopted under Chapter VII of the Charter of the United Nations, including resolution 1534 (2004) and 1503 (2003).

We also highly commend Mr. Stephen Rapp's dedicated service to the ICTR, particularly since assuming the role of Chief of Prosecution in May 2005. His deft supervision guided the Court toward greater successes and we warmly congratulate him on his new appointment as the Prosecutor at the Special Court for Sierra Leone.

Mr. Oshima (Japan): I wish first to thank the Presidents of the two Tribunals, Judge Pocar and Judge Møse, as well as the Prosecutors, Ms. Del Ponte and Mr. Jallow, for their reports on the activities of their respective tribunals, the International Criminal Tribunal for the former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR).

Since the last reports, both Tribunals have continued their dedicated efforts to achieve justice and end impunity in both cases. We take note positively of the measures taken by the administration of the Tribunals to expedite the trial processes in an effort to meet their respective completion strategies. We encourage both Tribunals to meet their completion strategies by exploring all measures necessary and appropriate for trial efficiency.

In the report from the ICTR, a need to increase the number of judges in the Appeals Chamber is mentioned. Japan understands that that will be explored by decreasing the number of judges in the Trial Chamber. An adequate distribution of resources, in accordance with the workload, should be duly considered.

With the prospects that both Tribunals will complete their first round of trials within two years, the arrest and transfer of the key remaining fugitives — especially Radovan Karadzic and Ratko Mladic — to the ICTY and of Félicien Kabuga to the ICTR becomes a matter of great urgency. We wish to reiterate our strong appeal to all the States concerned — including Serbia and Bosnia and Herzegovina — to take all necessary action and measures to that end. The international community is strongly committed, through decisions by the Security Council, to bringing about justice and ending impunity in both cases. The will of the international community to end impunity must be matched by resolution and cooperation on the part of the States concerned.

However, we deem it necessary to reiterate our position that if the Tribunals should choose to endlessly await the transfer of the remaining fugitives, it would be very difficult to justify and sustain our support for the Tribunals through the United Nations regular budget. This cannot go on indefinitely. We reiterate our view that possible funding beyond the deadline set by the Tribunals' completion strategies should be met through voluntary contributions by concerned States and particularly interested States.

With regard to the transfer of mid- to low-level accused to the domestic courts, we take positive note of the efforts made to expedite such transfer despite certain legal and technical constraints in the national judicial systems with which both Tribunals must contend. We welcome that step, because we believe that closer involvement by the local authorities and by people in the communities in the process of strengthening the rule of law is vital for real justice and for building confidence in the reconciliation processes in the States and regions concerned.

However, that will require capacity-building where there are constraints in national judicial systems. That is why Japan, in cooperation with the United Nations Development Programme, has launched a project to assist in the capacity-building of the War Crimes Chamber in Bosnia and Herzegovina, which includes training judicial staff members and providing needed equipment. Under that project, more than 630 judges, prosecutors and judicial staff members have been trained in 28 training courses over the past 18 months, since May 2005. The project also includes awareness-raising programmes to help the local population to understand that the accused war criminals are being pursued and brought to justice.

In conclusion, we urge both Tribunals to continue their dedicated efforts to attain their objective of bringing to justice all remaining fugitives by the deadlines of their completion strategies. We reiterate our appeal to the States concerned to provide the necessary cooperation. We strongly hope that the efforts undertaken for more than 10 years by the international community — supported by the Security Council — to end impunity will not only constitute a valuable legacy, but will also be fully integrated into community, national and regional capacities.

Mr. Liu Zhenmin (China) (*spoke in Chinese*): At the outset, I should like to think President Pocar, Prosecutor Del Ponte, President Møse and Prosecutor Jallow for their reports on the work of the International Tribunal for the Former Yugoslavia (ICTY) and of the International Criminal Tribunal for Rwanda (ICTR). China is satisfied with the progress made thus far in the work of the two Tribunals. In particular, the Tribunals have taken many measures to accelerate the pace of the trial proceedings. That has inspired our confidence in their completion strategies.

The Tribunals' smooth implementation of their completion strategies depends mainly on the following three elements. First, the two Tribunals should organize the trial proceedings with a high level of efficiency. Secondly, the countries in the region must play a role in those proceedings, and thirdly, the countries in the region must cooperate with the Tribunals.

We believe, judging from the reports of the two Tribunals, that there is still much potential in utilizing the capabilities of the countries in the region in the context of participation in the trial proceedings. We continue to urge the two Tribunals to fully consider the referral of cases involving mid- and low-level accused to the judicial systems of the countries in the region for trial.

In that connection, we call on countries with capabilities to provide further financial and technical support, and to assist the countries in the region in building their judicial capacity so that they can meet the conditions for trial at an early date. Likewise, we reiterate our appeal to the countries in the region to continue their cooperation with the two Tribunals.

The positive role played by the two Tribunals in promoting peace and stability in the countries in the region has been widely recognized by the international community. China is closely following the Tribunals' current implementation of their completion strategies. We are prepared to join other Member States in considering the various follow-up options related to the implementation of those strategies as soon as possible.

Ms. Løj (Denmark): I would like to thank the representatives of the two Tribunals for their reports to the Security Council.

Denmark has always been and remains a strong supporter of the Tribunals for the Former Yugoslavia and Rwanda. This is the fourth time during our membership of the Council that we have the opportunity to comment on the work of the Tribunals. In looking back on our three previous statements, I realize with regret that I could have used any one of them again today.

We regret that once again we have to insist on the immediate apprehension and transfer of the six indictees at large of the International Tribunal for the Former Yugoslavia (ICTY) and of the 18 indictees at large of the International Criminal Tribunal for Rwanda (ICTR). That goes for Mladic, Karadzic and

Kabuga in particular. We will firmly reject all attempts to outlast the Tribunals, and we call on all States harbouring indictees to cooperate fully with the Tribunals in this crucial matter.

We would also like to impress on the Tribunals once again that it is critical that they finish their work on time. We welcome the additional steps taken and the results achieved by both Tribunals. It is imperative that this work not be done at the expense of serving justice in strict accordance with international standards.

All members of the international community have a large part to play in enabling the Tribunals to finish their work on time. There certainly is the matter of tracking down, apprehending and transferring indictees at large. But there is also the matter of agreeing to witness protection and sentencing agreements and of paying assessed contributions in full and on time.

I would like now to turn to more novel territory. First, on residual issues, the closer we get to the time when the Tribunals have fulfilled their mandates, the more pressing the need for addressing, in a comprehensive manner, a number of judicial and administrative functions that will not automatically terminate with the conclusion of the last appeal against a judgment. This includes witness protection, enforcement of sentences, the maintenance of and access to archives, and so forth. The impact of the Tribunals reaches far beyond the specific cases under their jurisdiction and far beyond the specific countries concerned. There is no question that their legacy deserves and needs to be preserved. We therefore very much encourage all organs of the Tribunals, as well as the Office of Legal Affairs, to intensify their work on this important matter and to engage in early discussion with the Security Council and other interested parties.

Secondly, we have listened carefully to the concerns raised in relation to the ability of the Tribunals to keep functioning at full speed until the so-called close of business. We recognize the difficulty of, inter alia, retaining staff under such circumstances, and believe that careful consideration should be given to suggestions about how the Tribunals can address that challenge.

The Tribunals continue to contribute significantly to the fight against impunity. They are instrumental in the process of national reconciliation that the countries concerned need to go through in order to come to terms with their past and look to the future. Also, after our tenure on the Security Council, we will continue to follow their work with great interest.

Mr. Makayat-Safouesse (Congo) (*spoke in French*): I, too, would like, on behalf of my delegation, to thank the Presidents of the International Criminal Tribunal for Rwanda and of the International Criminal Tribunal for the Former Yugoslavia, as well as the two Prosecutors, for their briefings. My country reaffirms its commitment to the administration of justice in societies in conflict and emerging from conflict.

By ensuring justice for the many victims of grave crimes committed in the territory of Rwanda and in the former Yugoslavia, those Tribunals, in addition to fighting impunity, are helping to consolidate peace and foster national reconstruction and the rule of law. We once again reaffirm our fullest support for them — support that they need if they are to carry out their work diligently and complete their mandates by 2010, as recommended by the Security Council.

An assessment of the activities of the Tribunals shows that the pace of their work has increased during the period under consideration. A significant number of cases have been dealt with by both the Trial and the Appeals Chambers, thanks to the hard work that has made it possible to substantially reduce the backlog. That is the case in particular with regard to cooperation with national jurisdictions, which has allowed for the reabsorption of a considerable number of cases. Other measures taken up by the Tribunals have allowed for the streamlining of the Chambers. These include internal reforms aimed at enhancing procedural effectiveness in accordance with the recommendations of the working groups, the better use of computerization and modifications to the rules of procedure.

We would like to stress one particular advance: the Rwanda Tribunal's informational programme. We are especially interested in that programme because, above and beyond its purely informative character, it will enable the Tribunal to play a role that includes the fight against impunity, training for students, inter-ethnic reconciliation and, to some extent, help to prevent the recurrence of similar tragedies.

We welcome the progress made, but it is clear from the reports before us that that positive development needs to be strengthened further as the Tribunals approach the final stages of their work. A number of constraints that are having a negative effect

on the achievement of the completion strategies must be lifted. First of all, States must cooperate in accordance with their international obligations, both in terms of arresting persons suspected of grave crimes and of pursuing fugitives.

In this regard, we note with regret that, despite the repeated appeals of the international community, those that are responsible for genocide in the former Yugoslavia are still at large. Failure to bring to justice those responsible for the gravest of crimes will mean that the many victims in the former Yugoslavia and in Rwanda will never have the chance to have their suffering acknowledged or their cases heard. We must help the two Tribunals that we have set up to complete their mandates.

We must also ensure that the two Tribunals have sufficient resources, both human and financial, so that they can carry out their activities on a regular basis until they have completed their work.

Finally, my delegation would like to know whether, given the unknown factors to which the President of the Yugoslavia Tribunal referred and the various problems described by the Prosecutor of the Rwanda Tribunal — in particular concerning the transfer of accused and the search for fugitives — it would be possible to extend the terms of the judges or to have new elections in order to continue the work of the Tribunals in the future, since in this crucial phase developments over the coming months will be critical for the timely implementation of the mandates that we entrusted to the Tribunals.

We would like once again to pay tribute to the Tribunals for the important work that they have carried out in advancing the cause of criminal justice. The work of the Tribunals will always be a source of inspiration for the United Nations and the rest of international community.

Ms. Pierce (United Kingdom): I would like to add the United Kingdom's voice to those who have thanked and welcomed the Presidents of the Tribunals, Judge Pocar and Judge Møse, and the Persecutors, Ms. Del Ponte and Mr. Jallow, for their very helpful and informative briefings. It is very good to see the teams back in the Council. We very much welcome the commitment that they and the staff who work for them have shown to the important issue of addressing war crimes.

I would like to begin with the International Criminal Tribunal for Rwanda (ICTR). We congratulate it for the progress made in completing its considerable caseload. We welcome Judge Møse's confirmation that the completion strategy remains on track. At the same time, we remain deeply concerned that there are still 18 accused at large, including Felicien Kabuga. Those individuals must not be allowed to evade justice. We call on all States to fulfil their obligation to cooperate with the ICTR. We would be interested to hear if there are particular steps that the Prosecutor or the Judge believe the international community could take to assist the ICTR further in its work.

We also note that a significant aspect of the completion strategy relates to the transfer of appropriate cases to national jurisdictions for trial. In this respect, we encourage the ICTR and the Government of Rwanda to work closely together to overcome all outstanding obstacles to the possible transfer of cases to the Rwandan system.

Turning to the International Criminal Tribunal for the Former Yugoslavia (ICTY), I would like to start by saying that it is welcome news that Mr. Seselj has called off his hunger strike. We urge him to engage constructively with the ICTY and to resolve any complaints he may have through the appropriate legal processes of the Tribunal. We have every confidence in the Tribunal's ability to handle this issue and every confidence in the Tribunal's impartiality and its desire to discharge faithfully the mandate given to it by the Council. We hope that no one in the region will be tempted to exploit this incident for their own gain.

We underline the fact that cooperation with the Tribunal remains an ongoing obligation for all States, as emphasized most recently by resolutions 1503 (2003) and 1534 (2004). The capture and transfer of the six remaining indictees is essential. It should be a top priority for all, and that includes any countries the fugitive indictees might visit.

We understand that the Prosecutor thinks Vlastimir Djordjevic is in Russia. We are confident that the Russian authorities will be investigating that claim and will do all they can to trace his whereabouts and to transfer him immediately to the Hague Tribunal if he is located.

We are disappointed by the lack of progress made by Serbia this year, as reported by Ms. Del Ponte. Full cooperation remains central to the reconciliation that is

required for long-term stability in the Balkans, and long-term stability in the Balkans is a crucial part of achieving a Europe that is whole and free.

I would like to reiterate that full cooperation is a fundamental requirement for the countries of the Balkans to make progress towards membership of the European Union (EU). We call on the authorities in Belgrade to increase significantly their cooperation, including through ensuring the arrest of Mladic and Karadzic and their transfer to the Hague Tribunal. Nevertheless, we take some encouragement from President Tadic's recent comments about improving Serbian cooperation with the ICTY.

We also call on the Government of Bosnia and Herzegovina, in particular Republika Srpska, to fulfil their obligations to cooperate. As the Prosecutor has indicated, there is much more that the authorities of Republika Srpska can and should do to ensure cooperation with the ICTY and the swift detention, arrest and transfer of Mladic and Karadzic.

We welcome the Prosecutor's comments about the cooperation she has received from Croatia, from the former Yugoslav Republic of Macedonia and from Montenegro, and we trust that that cooperation will continue next year and beyond.

The question of NATO's invitation of Partnership for Peace was mentioned in respect of Serbia and Bosnia. NATO has offered this to help the countries make further progress on their Euro-Atlantic paths and also to reflect the achievements of defence reform. That invitation should not be construed by anyone — especially by those in the region — as a weakening of support for the ICTY. The NATO communiqué makes clear that NATO expects both Serbia and Bosnia to cooperate fully with the ICTY and that it will closely monitor their efforts in doing so. Can I also make clear that further EU and NATO integration will depend on the extent of that progress. We are confident that there are leaders in the region who understand this and who will try to deliver on that goal, but we call on everyone in the region to do their utmost so that further European and NATO integration can proceed, as we all hope to see.

I should now like to turn to the completion strategy. The United Kingdom remains a strong supporter of the ICTY. We believe that the orderly completion of its important work is vital for the region and for international criminal justice. The message of the President and the Prosecutor on this today was very clear. We underscore the fact that all fugitive indictees must be brought before the Tribunal, as emphasized in resolution 1534 (2004). Karadzic and Mladic in particular should not be under any illusion that they can wait out international justice. They will be tried by the Tribunal, as required under the relevant Security Council resolutions.

We recognize and commend the considerable efforts and achievements of all of the Tribunal's organs to increase efficiency and the pace of trials. However, we remain concerned about the slippage in the completion timetable to 2009. We look forward to the Tribunal continuing its efforts in that regard and to hearing of further progress.

I should like to conclude by saying a word about the transfer of cases from the ICTY to national jurisdiction. We note that, in pursuit of the completion strategy, so far nine individuals have been transferred to the jurisdiction of Bosnia. We were also pleased to hear that the Sarajevo Special War Crimes Chamber recently delivered its first judgment on a case transferred by the Tribunal.

The United Kingdom remains supportive of the Special War Crimes Chamber and has to date committed £2.6 million to the project, as well as providing additional ad hoc assistance. We strongly support Judge Pocar's call for other donors to make similar commitments. I would just like to stress that the transfer to national jurisdiction is not to be applied in the case of Karadzic and Mladic.

Mr. Malpede (Argentina) (*spoke in Spanish*): We would like, along with other members of the Council, to express our gratitude to the Presidents of the International Criminal Tribunal for the former Yugoslavia (ICTY) and of the International Criminal Tribunal for Rwanda (ICTR), Mr. Fausto Pocar and Mr. Erik Møse, respectively, and to Prosecutors Del Ponte and Jallow for the presentation of their reports, which make it possible for us to continue with our biannual consideration of the completion strategies of the Tribunals.

We also take note of and recognize the steps taken by the ICTY to speed up the pace of work. The figures provided by the Tribunal show that the measures taken concerning productivity, which were referred to in earlier reports, are yielding good results. The Trial and Appeals Chambers are working at full

capacity, and the simultaneous trials of multiple accused are being carried out efficiently. It is also very important to note the more active role of judges in the preparation of trials as well as the role of the ad litem judges. We believe that the Tribunal has been able to optimize its operation and working methods without affecting the principles of due process.

We take a positive view of the steps taken to refer the cases of lower- and intermediate-ranking accused to the competent national jurisdictions. There is a need to continue to strengthen, through the provision of adequate resources and capacity-building, national judicial systems as well as detention and witness protection mechanisms.

It is deplorable and unacceptable that there remain six fugitives who have not been brought before the Tribunal, in particular those accused of genocide, Radovan Karadzic and Ratko Mladic. We would highlight the seriousness of the issues mentioned in Prosecutor Del Ponte's report, including lack of political commitment, lack of trust and cooperation among those institutions involved in locating fugitives, and failure to put together an efficient and focused strategy. We appeal to the Governments of Serbia and of Bosnia and Herzegovina to cooperate fully with the Prosecution and with the Tribunal. The completion strategy will not be brought to fruition as long as those accused persons are not brought to trial, nor will the conditions be created that are essential for promoting the peace process, reconciliation and development in the region.

As regards the International Criminal Tribunal for Rwanda, we would highlight the progress made in the context of the completion strategy. We are concerned that the transfer of cases to national courts could mean that the accused might not be tried properly. We endorse the criteria to be used in deciding which accused will be tried in the Tribunal and which will be transferred, in particular the distinction between those that had leadership positions and major responsibility, along with the criteria for such a determination.

While these are reasonable, there are doubts about the capacities of national judicial systems effectively to bring trials to completion. Such limitations relate not only to the judicial systems of African countries, to which we need to provide support and resources; there may also be problems with transfers to developed countries, as in the case of Norway, to which reference was made.

We gather from the report that it is extremely urgent to provide resources to the Government of Rwanda and help it to build capacity, so that it can tackle successfully the legal challenge of trying those responsible for genocide, both in transferred cases and in local cases. We appeal to the Government of Rwanda to effectively abolish the death penalty and do its utmost to ensure that the 18 fugitives are arrested and handed over to the Tribunal.

Lastly, as this is the last statement Argentina will be making on the Tribunals before the end of our two-year term, we would like to say that the work of these Tribunals has been an essential step taken by the Security Council to root out impunity and to affirm the rule of law in those regions.

The problems encountered by the International Criminal Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda, to which we have referred and which emerge from the report, demonstrate, in our view, that the fragmentation and proliferation of ad hoc tribunals is not the right path through which to deal with cases of genocide, crimes against humanity and war crimes.

We believe, therefore, that it is necessary for States and civil society to lend support, political will and the right resources in order to bolster the work of the International Criminal Court, so that in the future a single international tribunal, with robust human and material resources and with universal authority and legitimacy, can be the legal weapon of the international community to try those committing crimes against humanity and to uproot impunity.

Mr. Rogachev (Russian Federation) (*spoke in Russian*): Mr. President, allow me to thank the leadership of both Tribunals for their briefings to the Security Council and for the reports on implementing the completion strategy, pursuant to Council resolution 1534 (2004).

We commend, in general, the work of the International Criminal Tribunal for Rwanda (ICTR). We also welcome the initiative of the Government of Rwanda to abolish the death penalty. We suggest that, in the future, this will remove the concerns that have prevented the transfer of cases of low- and middle-level accused to the national courts in Rwanda. This

gives greater importance to the ICTR's work in capacity-building with the judicial system in that country. We continue to believe that the transfer of cases to national justice systems is the main component for the timely completion strategy of the ICTR.

In the work of the International Criminal Tribunal for the Former Yugoslavia (ICTY), the greatest concern at this stage is the case of the accused Vojislav Seselj. We are thankful to the President of the ICTY for submitting information to the Council on the measures being taken by the leadership of the Tribunal in order to de-dramatize the situation. However, we consider that the responsibility for the current situation and for Mr. Seselj's state of health lies firmly and squarely on the ICTY. The accused has been in prison in Scheveningen since the beginning of 2003. We note that the President of the Court has said that the Tribunal is trying to limit the period of the pre-trail detention, but I repeat that Mr. Seselj has been in prison in Scheveningen since the beginning of 2003. Such a drawn-out process, in our view, is further proof of the unwieldy nature of the work of the Tribunal.

Given the serious harm to Mr. Seselj's health caused by the lengthy hunger strike, this story can still not be considered as closed. The recurrence of such situations would completely discredit this Court, whose reputation has already been hurt by the deaths of Mr. Babic and Mr. Milosevic this year.

Another aspect that negatively affects the image of the Tribunal is the open criticism coming from the Prosecutor's Office on the amendments to the rules of procedure and evidence for the ICTY. We suggest that these amendments are in line with the implementation of the deadlines for the completion strategy, as set out by the Security Council.

We do not believe that the statement by the Prosecutor was appropriate concerning the alleged presence of Mr. Djordjevic on the territory of the Russian Federation and that the responsibility lies with Serbia to arrest him in our country. First of all, on many occasions we have stated that the information provided by the Tribunal on Mr. Djordjevic's whereabouts have not been confirmed. The Russian authorities are making every effort to find him. Secondly, there can be no question of extending the jurisdiction of Serbian authorities to the Russian Federation, a separate and sovereign State. We would like to repeat our proposal that was made in the discussion of the ICTY annual report in the General Assembly, namely that it would be useful and informative to obtain comparative lists showing the number of those convicted by nationality and also the duration of the sentences they received, depending on their nationality, for similar crimes in terms of type and gravity.

We expect that the Tribunal will strictly implement the completion strategy, according to the timetable established by the Security Council. We note here that we cannot see how we can make plans — and this was said by the President of the ICTY — for cases that have been scheduled for completion by 2009 — how can we make such plans in violation of the completion strategy that the Security Council has adopted? That strategy sets out a deadline for completing the work, and the ICTY should base its work on that fact in planning its future work.

In our view, the fact that Mr. Mladic and Mr. Karadzic and other accused have not been brought to the ICTY cannot justify the indefinite continuation of the work of this Court.

Mr. de La Sablière (France) (*spoke in French*): First of all, I would like to thank the Presidents and Prosecutors of the International Criminal Tribunals for the former Yugoslavia and for Rwanda for their reports, for the briefings on their work and also on the difficulties they have encountered in fulfilling their mandates. I would like to reassure them of the full support that they enjoy from France.

Both Tribunals have achieved remarkable progress to ensure the respect of the completion strategy for their work, which was set out by this Council. I would like to commend the combined efforts of the Judges and the Prosecutors. We encourage both Tribunals to continue in this way. Greater efficiency in the conduct of trials would favour the respect of the completion strategy. This strategy must ensure, above all, that finally, after so many years, justice is rendered to the victims, and, on this basis, the societies concerned can move on.

The objective of efficiency and of speeding up the trials should serve the purpose of justice and should take account of the fact that these were mass crimes. The requirements for justice and the need to protect the interest of the victims and to respect the rights to a proper defence must be respected. The two ad hoc

Tribunals are pioneers, and their legacy must in no way be the subject of controversy.

One way of completing their mandate was to make it possible to transfer low-level accused persons to national justice systems. We welcome, therefore, the fact that the special tribunal for the war crimes in Sarajevo was able to complete its first trial satisfactorily one month ago. Such transfers can only contribute to the local development of the rule of law, provided that it is accompanied by the necessary guarantees that ensure fair trials and the non-application of the death penalty. And they certainly deserve the support of the international community. We welcome with satisfaction the initiatives of the two Tribunals in this area.

The Presidents and Prosecutors have pointed out a number of difficulties that could increase as the end of their work approaches. The loss of qualified staff is one problem, and this should be looked at, because it could slow down the pace of work. A possible uncertainty with regard to the resources available could also make things difficult, and I note also that the management of the detention unit and the attitude of some detainees are serious concerns for the ICTY. We note the efforts that have been made to overcome these concerns.

However, the main challenge to both Tribunals and to the Council that established them is the fact that some of the principal perpetrators are still at large. Their number is decreasing, of course, since Mr. Dragan Zelenovic has finally been transferred to the Tribunal in The Hague by Bosnia and Herzegovina after having been handed over by Russia. Yet Ratko Mladic and Radovan Karadzic, who, alongside Mr. Slobodan Milosevic — who unfortunately died before the end of his trial — personify the hateful policy of ethnic cleansing, remain at large. That is true also of Mr. Félicien Kabuga, 10 years after the genocide.

However, the arrest and transfer for judgement in The Hague and Arusha of those accused by the ICTY and the ICTR represent an international obligation for the countries of the regions concerned. My country reiterates that cooperation with the ICTY by the Balkan States is also a prerequisite for integration into the European family. Therefore, like the Prosecutor, we are disappointed that the plan of action established by Belgrade has yet to achieve the desired goals. It is critical that Serbia and the Republika Srpska of Bosnia and Herzegovina cooperate fully with the Tribunal.

With respect to the ICTR, I wish to thank its Prosecutor for providing more detailed information to the Security Council on the cooperation that the Tribunal is receiving with regard to the accused who remain at large and to ongoing investigations.

While the dates that we have given the Tribunals by which their work should be complete are approaching, it seems to me that the Council should consider the purpose of those dates. Through our resolutions, we have requested the Tribunals

> "to take all possible measures... to complete all trial activities at first instance by the end of 2008, and to complete all work in 2010" (*resolution 1503 (2003), para. 7*).

We established a goal at that time, but no cut-off dates. The briefings that we have just heard clearly indicate that some critical factors in adhering to that timetable do not depend on the Tribunals. Some people, however, seem to consider the timetable to require the Tribunals, regardless of what may occur, to shut down in 2010, whether or not they have tried the principal fugitives. That is, indeed, what the fugitives are hoping.

The very high cost of the Tribunals is often referred to. That is a valid concern, but what would be the purpose of all the United Nations Member States investing so much over so many years if, at the end of the day, the main suspects accused of crimes of genocide were to escape international justice? What would the legacy of such justice be? What credibility would it enjoy among the victims and their communities? Would the Tribunals have completed the missions entrusted to them? What impact would it have on international efforts to counteract impunity?

The Council, which established the Tribunals, must ask those questions. To France, it is clear that the missions of the ad hoc Tribunals cannot be considered complete so long as the principal fugitive accused — Mr. Karadzic, Mr. Mladic and Mr. Kabuga in particular — have not been judged by those Tribunals. We must not yield on that demand.

Mr. Bartho (Slovakia): We are grateful to Judge Fausto Pocar, President of the International Tribunal for the Former Yugoslavia (ICTY), and to Judge Erik Møse, President of the International Criminal Tribunal for Rwanda (ICTR), as well as to the Prosecutors of

both Tribunals, for their assessment reports concerning the progress made towards the implementation of the completion strategies set out in Security Council resolutions.

Slovakia welcomes the progress made in recent months and wishes to express its full support for the Tribunals' undertaking their tasks under the mandates given by the Security Council. We consider the completion strategies to be crucial documents for streamlining the final phase of the functioning of both Tribunals. In that regard, we appreciate all measures taken by the Tribunals to meet the time frames and deadlines for the completion of their work, as determined in the Security Council's resolutions.

We commend the cooperation of the Tribunals with respective national authorities, in particular with the domestic courts of Bosnia and Herzegovina, Croatia, Serbia and Rwanda. We highly appreciate the increasing number of referrals by the ICTY of cases involving intermediate and lower-ranking accused to national courts, and the intention of the Prosecutor of the ICTR to request the transfer of some persons and cases to competent national jurisdictions for trial. Those measures will enable both Tribunals to concentrate on the prosecution and trials of the most senior leaders suspected of being most responsible for crimes under international law.

Slovakia insists on the strict compliance of trials at the national level with international standards of fair trial. We reiterate the appeal to States to cooperate fully with the Tribunals, in particular in the tracking, arrest and transfer of remaining fugitives to the Tribunals. We praise the effective assistance of States in the area of witness and victim protection and the enforcement of the sentences imposed by the Tribunals. The conclusion of respective legal instruments for that purpose is essential to the full implementation of the completion strategies.

Noting the serious problems and obstacles that both Tribunals have to address on a daily basis, Slovakia welcomes and strongly supports their ongoing commitment to making every effort within their power, including exploring new measures, to fully discharge their mandates to meet the target dates of the completion strategies.

We believe that the Security Council should maintain its strong support and close attention to the implementation of the completion strategies of the Tribunals. If necessary, it should be ready to take the appropriate measures required for a successful completion of the work of both Tribunals.

Mr. Tachie-Menson (Ghana): I wish to thank the Presidents and Prosecutors of the International Tribunal for the Former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR), not only for their detailed reports, but also for their resourcefulness, professionalism and commitment to duty under difficult conditions, which have contributed to justice and a large measure of peace and stability in two troubled regions of the world.

We appreciate the integral role being played by the ICTR in the reconciliation and reconstruction process in Rwanda. It is undeniable that the Tribunal has made an invaluable contribution to the restoration of democracy and the rule of law by bringing to justice to the victims of the genocide. We are also impressed by the progress being made with regard to the prosecutions and trials of the accused persons. We are confident that all this puts the ICTR on course to meeting its completion strategy. To that end, the Tribunal must continue to receive the necessary resources.

In that connection, we welcome the referral of less serious cases to national jurisdictions. Those referrals are not only essential to easing the Tribunal's work load, but also necessary in helping with the capacity-building of the domestic judicial system, and at the same time infusing a sense of ownership of the judicial proceedings among the local communities. If the psychological wounds of the genocide are to heal, the participation of local communities in the judicial process can act as a catalyst.

On the issue of genocide, the Tribunal's efforts, which culminated in the completion of investigations, are to be commended. It is important that the genocide trials, which form the core of the Tribunal's mandate, be completed within the timeframe established in the completion strategy. We hope that a shift of focus from investigations and arrests to trials will enable the Tribunal to complete its work on time.

With regard to the International Tribunal for the Former Yugoslavia, the assessment in the reports by the President and the Prosecutor indicate the steady progress that has been made in the disposal of cases since the last report to the Council. We are also pleased to note that the proposals of the working groups on

speeding up trials and on appeals are being implemented, hence the hectic pace of the cases being handled by the Tribunal. On that point I wish to reiterate the position of my delegation that unreasonably lengthy trials bogged down by delays and complicated rules of procedure do not project the required image of transparency and efficiency.

The Tribunal's outreach programme, which has brought to the population of the affected areas insight into the workings of the Tribunal, will no doubt play an important role in the healing and reconciliation process. By demystifying the Tribunal, the outreach programme has assisted in remedying the sense of remoteness of the judicial process that may be felt by victims in affected communities.

We agree with the report's prognosis that the failure to secure the arrest and trial of six high-level fugitives who are wanted for the gravest crimes within the target date of the completion strategy may undermine the legacy of the Tribunal as far as the fight against impunity is concerned. The fact that some high-level fugitives are still at large is a matter of great concern to my delegation. Certainly, the fugitives cannot be hiding without some sort of assistance or tacit support from certain quarters. We call on the relevant States to exercise the necessary political will and to do whatever is in their power to bring those fugitives to justice. There can be no closure to the traumatic period in which those fugitives played an ignoble role if the culprits are not brought to justice.

On the completion strategy, we hope that with the streamlining of the Court's procedures, a mode of operation for the targets dates will be met. We feel that the Council should consider extending the period to enable the trial of high-level fugitives who are still at large to take place.

Mr. Voto-Bernales (Peru) (*spoke in Spanish*): I would like to thank the Presidents and Prosecutors of the two Tribunals for their detailed and comprehensive reports to us this morning.

We welcome the efforts of the Tribunals and the Prosecutors to meet the deadlines set out in the completion strategy. Although we recognize the difficulties they face — especially the lack of cooperation faced by the International Tribunal for the Former Yugoslavia — we urge them to continue to do what is necessary to meet the deadlines set while observing the strictest standards of due process. Meeting those deadlines is essential to the credibility of the system, because justice should not just be impartial but also rendered as speedily as possible. The full cooperation of States is essential in order to achieve the goal of providing justice for the victims before both Tribunals and to carry out the completion strategy.

More than 10 years have passed since the Security Council established the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda, and yet important leaders accused of committing serious crimes are still at large. It is essential that States do their utmost to ensure that fugitives are arrested and that, once they are in the custody of a State, that State immediately hands the fugitives over to the Tribunal. Cooperation in other areas, such as access to documents and witnesses, is essential to ensure that trials are not unduly delayed. States should also cooperate by opening up their territories to those who have been acquitted at trial.

Another important element in fulfilling the completion strategies is the transfer of cases involving low- and mid-level accused to competent national jurisdictions. We acknowledge the efforts being made in that regard by both Tribunals. In order to ensure the success of such transfers, it is vital that the process be accompanied by a strengthening of the capacities of national judicial systems. The monitoring of national trials by Tribunals will therefore be of particular importance. Such strengthening also has the potential of significant long-term repercussions for the rule of law and for improving the administration of justice in the countries concerned.

At the request of both Tribunals, the Security Council has taken a number of steps to strengthen their work and make it possible to fulfil their completion strategies. My delegation is prepared to continue to consider such requests and to provide both Tribunals the necessary support to put an end to impunity for the appalling crimes committed in the former Yugoslavia and Rwanda.

Mrs. Telalian (Greece): Allow me, first of all, to express my gratitude to the Presidents and Prosecutors of the International Criminal Tribunals for the Former Yugoslavia and for Rwanda — Judge Fausto Pocar, Judge Erik Møse, Ms. Carla Del Ponte and Mr. Hassan Bubacar Jallow — for updating the Council on new developments since their last submissions, as well as

for their respective reports. We appreciate their continuous efforts to fight impunity, uphold the rule of law and promote national reconciliation in the former Yugoslavia and Rwanda.

With respect to the International Criminal Tribunal for the Former Yugoslavia, we took note of the important progress made towards meeting the objectives of the completion strategy. We commend the Tribunal for its continuous efforts to improve the conduct of its trials and the efficiency of its procedures, in particular through the implementation of the recommendations of the working group on speeding up trials. The adoption this year by the Council of resolution 1660 (2006), which increased the number of ad litem judges to 12 and allowed those judges to serve as reserve judges in multi-accused trials, had a serious impact upon the completion strategy.

We note with satisfaction the transfer to national courts of cases involving mid- and lower-level rank accused in accordance with international standards of due process. However, it is critical that efforts be made by the international community to continue to support national capacity to protect through local criminal justice systems, as has also been rightly pointed out by the President of the Tribunal.

Despite the positive developments I have cited, the Tribunal cannot effectively discharge its mandate unless all the indictees who remain at large — notably Ratko Mladic and Radovan Karadzic — are arrested and transferred to The Hague. At this critical stage in the completion strategy, the cooperation of the States of the region, and in particular that of Serbia and Bosnia and Herzegovina, with the Tribunal, is crucial to securing that result. We therefore strongly urge all States of the region to cooperate closely with the Tribunal and to live up to their international obligations, according to which war crimes, crimes against humanity and genocide cannot go unpunished.

We strongly support the ongoing work of the International Criminal Tribunal for Rwanda and its efforts to bring to justice those persons who were most responsible for genocide and violations of international humanitarian law in Rwanda. We commend the Tribunal for the good progress it has made and for its high level of productivity, as well as for the many measures taken to ensure the timely implementation of the completion strategy, under the leadership of its President, Judge Møse. In that respect, we are pleased by the decision of the Council and of the General Assembly to extend the terms of the permanent judges of the Tribunal until the end of 2008. We are pleased also by the extension of the terms of all 18 ad litem judges until the same date.

We are gravely concerned, however, at the fact that 18 indicted persons still remain at large, including Félicien Kabuga, and we took note with interest of the decision of the Prosecutor to request the transfer of 12 of those persons to national jurisdictions for trial. Also, we would like to emphasize that building national capacity in Rwanda is of particular importance.

In conclusion, we would like to express our strong commitment to the ongoing work of the two Tribunals and to their important role in addressing impunity for grave crimes in their respective regions. Both Tribunals have built up important international jurisprudence that considerably strengthens the principles of international criminal justice and the rule of law and that can have a deterrent effect in relation to the commission of grave crimes in the future. The international community should now closely cooperate with the two international criminal Tribunals and should support their important task of expeditiously completing trials. Member States should provide the Tribunals with resources and political support. We should not send the wrong signal, that the international community is unwilling to bear the costs necessary to pursue justice. The Security Council too should send a strong message: that it continues to be committed to accountability and that it is willing to shoulder its own responsibilities.

The President (*spoke in Arabic*): I shall now make a statement in my capacity as the representative of the State of Qatar.

My delegation wishes at the outset to join previous speakers in sincerely thanking Judge Fausto Pocar, President of the International Criminal Tribunal for the Former Yugoslavia (ICTY), Ms. Carla Del Ponte, Prosecutor of the ICTY, Judge Erik Møse, President of the International Criminal Tribunal for Rwanda (ICTR), and Mr. Hassan B. Jallow, Prosecutor of the ICTR, for their reports and their briefings to the Council today on the activities of the Tribunals over the past six months.

We take this opportunity to commend the Tribunals once more for their important work, for their

tireless efforts in the interests of peace, security and national reconciliation and for the progress they have made since they were established. Their completion strategies — which, by its resolutions 1503 (2003) and 1534 (2004), the Security Council called upon the Tribunals to implement — have been well received, and steps at several levels have been taken to implement the strategies.

But we must point out that it is necessary to consider factors that could affect implementation of the completion strategies and review them in a timely manner in order to ensure that the trials are completed, that international justice is served and that steps are taken to counter impunity, all with a view to consolidating peace. Here, we stress the importance of the recommendations of the Working Group on Speeding Up Trials, a number of which the Tribunals have taken into account. These include a more proactive role for judges; improved pre-trial procedures; the launch of the e-Court system; and the transfer of some cases to national jurisdictions. But none of these initiatives must prejudice the right of individuals to a fair trial or compromise the attainment of criminal justice. Moreover, it is vital to ascertain the capacity of national courts to try cases in accordance with established legal norms and standards. Only after such decisions have been reached on all major cases can the trials be concluded by the deadlines that have been set.

Once again the United Nations has demonstrated its commitment to the administration of justice, through the establishment of the International Criminal Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda, with the purpose of bringing to justice those responsible for the most hideous crimes against humanity. But justice cannot be completely done so long as major perpetrators remain at large. My delegation therefore stresses how vital it is for States to intensify their cooperation in transferring such fugitives to the Tribunals. The failure to transfer individuals accused of the most hideous crimes against humanity would undermine the work of the Tribunals and would be a stain on their legacy.

We therefore appeal to the States concerned to meet their obligations to the international community in accordance with resolutions 1503 (2003) and 1534 (2004), in particular with respect to the arrest of Mladic and Karadzic and their extradition to The Hague so that justice can be done. We cannot fail also to mention the 18 accused who must stand trial before the ICTR. They must be arrested and transferred to the Tribunal if international justice — still absent in that part of the world — is to be upheld. The political will of the international community should find expression in the establishment of effective mechanisms to that end, ensuring the extradition of those fugitives. Apprehending those accused must be a high priority for the international community, as must continued complete cooperation in providing access to records and to witnesses.

The two Tribunals must continue their endeavours, irrespective of the circumstances, and they must improve their management and their capacities: the victims of these horrible crimes are pinning their hopes on the Tribunals for the attainment of justice and peace. Further, we urge the Tribunals to remain committed to making every effort to contribute to the development of the rule of law as a decisive element of their completion strategies. But the Tribunals cannot complete their tasks unless the principal accused are brought to justice, and this requires complete cooperation from all States. Those accused must be extradited if security and stability are to prevail in the two regions, if international justice is to be upheld and if international peace and security are to be buttressed.

I now resume my functions as President of the Security Council.

I give the floor to the representative of Serbia.

Mr. Loncar (Serbia) (*spoke in Serbian; interpretation provided by the delegation*): I wish, on behalf of the Government of the Republic of Serbia, to express our appreciation for the opportunity to address the Security Council. I wish also to thank Judge Fausto Pocar, President of the International Criminal Tribunal for the Former Yugoslavia (ICTY), and Ms. Carla Del Ponte, Prosecutor of the Tribunal, for their comprehensive briefings.

I would like to emphasize that the Government and all State authorities of the Republic of Serbia are demonstrating clear political determination and making every effort necessary to bring our cooperation with the ICTY to a successful close. I would point out that thanks to outstanding efforts by the Government of the Republic of Serbia, since January 2005, 16 indictees have been transferred to the Tribunal at The Hague. As members know, they include the highest-ranking

military and police officers. All activities to date in the framework of completing our cooperation with the ICTY underscore the Government's commitment to fully honour its remaining international obligations.

The break-up of the former Yugoslavia, followed by a bloody civil war, was a reason why the Security Council established a special international tribunal for the prosecution and punishment of the gravest war crimes and serious violations of humanitarian law. It is in the interest of the Government of the Republic of Serbia, in particular, that the crimes committed in that war not be forgotten, and that their instigators and perpetrators be brought to justice.

The Republic of Serbia is making the utmost effort to contribute to attaining the goals that guided the Security Council when the Tribunal was established, in 1993. Let me recall that those goals included not only the punishment of those responsible for serious violations of humanitarian law, but also the creation of conditions for inter-ethnic and inter-confessional reconciliation among the peoples living in the territories of the former Yugoslavia.

The Government of the Republic of Serbia has repeatedly and clearly stated that it is first and foremost in Serbia's own interest to complete its cooperation with the ICTY as soon as possible. At its 20 July 2006 session, the Government of the Republic of Serbia adopted an action plan for cooperation with the ICTY. To carry out the plan, an implementation team was created. The coordinators of the team are Mr. Rasim Ljajic, President of the National Council of Serbia for Cooperation with the ICTY, and Mr. ladimir Vukcevic, Prosecutor for War Crimes.

The State authorities are fully engaged in the implementation of the action plan. At its 28 July 2006 session, the implementation team adopted an operational plan of activities. As part of the implementation of the action plan, operational activities are undertaken daily to locate and transfer the remaining indictees. The action plan implementation team has prepared concrete proposals; procedures are now under way to amend current regulations in the Republic of Serbia in order to put in place a more efficient normative framework for the implementation of concrete operational measures for the completion of the plan.

Since adopting the July 2006 action plan, the Government of the Republic of Serbia has been undertaking intensive and comprehensive activities, through teams of skilled operatives, to successfully bring to conclusion Serbia's cooperation with the Tribunal. The measures and activities we have undertaken are a clear indicator of the strong political will of the highest State authorities to locate any and all of the Hague Tribunal indictees, if they are hiding in the territory of the Republic of Serbia, and to have them transferred to the custody of the Tribunal in accordance with Serbian law.

Let me take this opportunity to affirm our readiness for effective cooperation with the ICTY Prosecutor's Office, including regarding access to documents and archives of the Republic of Serbia. An overwhelming number of requests by the Prosecutor's Office have gained a positive response from the competent authority of the Republic of Serbia: the National Council for Cooperation with the ICTY. So far, we have received 1,386 requests, and the National Council for Cooperation with the ICTY responded positively to 95 per cent of them. It is estimated that only a handful of urgent Prosecutor's Office requests are still pending. Further requests from the Prosecutor's Office arrive daily and are addressed with the utmost urgency. Waivers have been granted to some 400 witnesses regarding State, military and other official secrets.

Since June 2006 and through the thirty-seventh session of the National Council of Serbia for Cooperation with the ICTY, held on 23 November 2006, 58 requests for documents by the ICTY Prosecutor's Office were responded to, and as many as 24 witnesses were granted waivers.

I would also like to note that, on 2 March 2006, the Prosecutor's Office proposal on practical modalities for enabling access to the State archives was accepted. This will facilitate access by the Prosecutor's Office to documents in the possession of State authorities. Let me recall that in May 2006 a very important law on freezing the assets of fugitive ICTY indictees was adopted in the parliament of the State Union of Serbia and Montenegro. That law is in force today in the Republic of Serbia.

At the very beginning of my statement, I emphasized that the Republic of Serbia was making every effort to contribute to the attainment of the goals of the Security Council on which the establishment of the Tribunal was based. This is true also of Security

Council resolution 1534 (2004), which defines the Tribunal's completion strategy. This requires the efficient administration of international justice regarding the perpetrators of serious war crimes and justice for victims. But let me emphasize once more that it also means the creation of conditions for reconciliation among the peoples who were engulfed in the brutal civil war in the territory of Yugoslavia.

The Government of the Republic of Serbia supports the Tribunal's efforts to make its work more efficient and more just in order to honour strict deadlines and meet conditions stipulated under Security Council resolution 1534 (2004). To that end, the Government of the Republic of Serbia reiterates the importance of transferring cases to national jurisdiction. Domestic trials can contribute to reaching the goals for which the Security Council established the ICTY.

In trials before national courts, indictees are exposed to the strict moral judgement of their fellow nationals and cannot complain that the courts are partial. At the same time, domestic courts can truly contribute to achieving the noble goal of reconciliation. That is why the Republic of Serbia reiterates its readiness to enable its judicial authorities — particularly the Special Prosecutor's Office for War Crimes and the Council for War Crimes of the Belgrade District Court — to undertake to process and prosecute the indictees transferred from The Hague.

Despite the fact that the activities of the judicial authorities of the Republic of Serbia have been highly assessed by the Tribunal, the Prosecutor's Office and many States, including some permanent members of the Security Council, only one case has been turned over to the Republic of Serbia. It involves a person in poor health who is unable to stand trial. The Prosecutor's Office also turned over to the Serbian judiciary two cases which had been processed: *Zvornik* and *Skorpioni*. Moreover, direct cooperation has been established with the Council for War Crimes and the Special Prosecutor's Office for War Crimes in other cases tried before domestic courts. The ICTY Prosecutor's Office has signed an agreement on making archives available to the Republic of Serbia Prosecutor's Office for War Crimes. In view of all of this, I would like to reiterate our conviction that only mutual cooperation and trust can significantly contribute to the administration of justice.

I would like to assure the Council that the Government of the Republic of Serbia remains firmly committed to fully honouring all its remaining international obligations in order to complete its cooperation with the ICTY. The results achieved so far are telling proof of that. The Government of Serbia is resolute and will continue to do all in its power to locate all remaining indictees hiding in the territory of the Republic of Serbia and transfer them to the ICTY. The Republic of Serbia is determined to bring all those who committed war crimes to justice, before the ICTY or domestic courts. The Government of Serbia will take all available measures to fully honour its international commitments and bring its cooperation with the ICTY to a successful conclusion.

Mr. Nsengimana (Rwanda): Mr. President, as this is the first time we take the floor at the Security Council in the month of December, we wish to begin by congratulating you and your distinguished delegation on your assumption of the Presidency of the Security Council, and also to thank you for convening this important meeting to discuss the reports of the Presidents and Prosecutors of the two Tribunals.

We wish to focus our remarks on the International Criminal Tribunal for Rwanda (ICTR). We thank ICTR President Judge Erik Møse and Prosecutor Hassan Bubacar Jallow for their presentations.

We wish to commend the members of the Tribunal Chambers, the Office of the Prosecutor and the Registry for their continued work and commitment to the successful implementation of the completion strategy in accordance with the relevant Security Council resolutions. Rwanda renews its commitment to continuing to cooperate with the Tribunal, and to working together to ensure that the completion strategy is implemented in accordance with the specified timelines.

We wish to reiterate that Rwanda stands ready to take on the trials of the most serious perpetrators of the genocide once the Tribunal has completed its work in 2008. We acknowledge that there is still work to be done as far as capacity-building is concerned. But we also recognize that it is time for Rwanda to regain full national ownership of the process of administration of justice for crimes committed during the genocide. The international community has been generous in its support for the international Tribunal, and we are very grateful for this support. But in 2008, 14 years will

have elapsed since the genocide. It will be time for Rwanda to assume full responsibility and national ownership for the trials, with support from the international community.

There are three particular areas where Rwanda believes significant progress is most urgent in 2007 and 2008. The first such area relates to the transfer of cases and convicts. Trials should take place as close as possible to where the crimes were committed. Not only does this contribute to the justice process, it also contributes to reconciliation. Transferring trials to Rwanda would also contribute to our own efforts to eradicate the culture of impunity and promote reconciliation, as our people would be first-hand witnesses to justice being done. We have therefore welcomed assurances by the Tribunal that Rwanda continues to be the major focus for referrals.

In this connection, it is our view that all trials targeted for transfer should take place in Rwanda. The Government of Rwanda has been working with the Tribunal, particularly the Office of the Prosecutor, to prepare for these transfers, including by addressing several legal and procedural issues. We are also in the process of repealing the death penalty from our statutes through our national parliament.

On the issue of the capacity of the Rwandan judiciary, the Government of Rwanda continues to make significant progress, despite its modest means, in developing the human and infrastructural capacity of the judiciary. This effort has been intensified in anticipation of the transfer of cases to Rwanda.

With respect to administration of sentences, the Government of Rwanda has consistently stated that all ICTR convicts should serve sentences in Rwanda, where the crimes were committed. This principle is in line with the provisions of article 26 of the ICTR statute. Once again, we believe that this approach is essential for the justice and reconciliation processes in Rwanda, which were the main reasons why the ICTR was established in the first place.

The initial concern about the administration of sentences in Rwanda was the lack of a detention facility that meets international standards. However, a detention facility was built more than two and-a-half years ago and was inspected by ICTR officials, who certified that it meets these international standards and who signed a memorandum of understanding to that effect. Subsequently, in November 2004, an agreement for service of sentences in Rwanda was jointly prepared between ICTR and the Government of Rwanda, and sent to United Nations Headquarters for endorsement.

Despite this step forward, there continues to be delay in effecting these transfers. It is unclear to us why that is the case. We therefore appeal for this agreement to be urgently signed and for the transfers to be carried out expeditiously.

Secondly, with regard to fugitives still at-large, the most serious perpetrators of the genocide, its planners and authors, should not be allowed to evade justice. The Tribunal's completion strategy should not be regarded as an exit strategy for the international community's obligation to bring all suspects of the crime of genocide to trial at the ICTR or in Rwanda after 2008. We would welcome appropriate measures that would ensure that all accused are brought to justice, even after the Tribunal's mandate has expired.

My delegation has repeatedly expressed Rwanda's commitment, which I repeat here today, to work with Governments around the world to bring these suspects to justice. We must not allow notorious suspects such as Félicien Kabuga and Augustine Ngirabatware to evade justice. Those fugitives must not continue to be sheltered or to enjoy protection from some States Members of the United Nations. If they do, it would be an extremely sad indictment of the international community. We call upon all States to cooperate with the Tribunal to track down, apprehend and transfer all indictees still at large.

Thirdly, I should like to discuss the transfer of documents and materials. Given the legacy of the Tribunal and its effect on Rwanda, we believe that the completion strategy should incorporate the transfer of all court documents and materials to Rwanda. As the ICTR completes its work, the Government of Rwanda would welcome working with the United Nations. The international community should establish a genocide prevention and educational centre. Such a centre would serve not only as a memorial to the more than 1 million victims of the genocide, but also as a centre of research and education about lessons learned from the Rwanda genocide; it would also promote justice, reconciliation and human rights. The Government of Rwanda is open to discussions with the United Nations and Member States on how best to take that proposal forward. However, we should be cognizant of the need to act

quickly, given the limited time remaining before the Tribunal completes its work.

Finally, we would like to conclude by expressing our profound appreciation to the Security Council and the entire international community for their continued support for the Tribunal, both politically and through assessed and voluntary financial contributions. The successful and timely completion of the Tribunal's work will have a positive impact on justice, the rule of law and reconciliation in Rwanda. We also wish once again to thank the President of the Tribunal and the Prosecutor and their respective teams for their work to ensure the timely implementation of the completion strategy.

The President (*spoke in Arabic*): I now call on the representative of Bosnia and Herzegovina.

Mr. Prica (Bosnia and Herzegovina): At the outset, I would like to thank Judge Fausto Pocar, President of the International Criminal Tribunal for the Former Yugoslavia (ICTY), and Ms. Carla del Ponte, Chief Prosecutor of the ICTY, for their comprehensive reports and briefings and for outlining the achievements and challenges that the Tribunal is facing at this stage of its activities. The Government of Bosnia and Herzegovina has studied with due attention the reports submitted by the President of the Tribunal and the Prosecutor.

I would like to assure the Security Council that Bosnia and Herzegovina's authorities remain committed to continuing their full cooperation with the ICTY. That was re-emphasized by all representatives of Bosnia and Herzegovina in the post-election context during the recent meeting of the Peace Implementation Council in Brussels. Needless to say, that approach is of the utmost importance for the strengthening of our judicial system and is firmly linked to our aspiration to Euro-Atlantic integration.

Throughout the post-conflict period, the ICTY has played a prominent role in strengthening the rule of law in our region by investigating and bringing to justice indicted war criminals and by helping and inspiring our national courts to do the same. Furthermore, I have the honour to inform members that my country has just become a member of the Partnership for Peace programme. That achievement should be seen as an additional impetus for Bosnia and Herzegovina to cooperate fully and closely with the ICTY.

Thus far, the authorities at the State and entity levels have undertaken every possible effort to locate and arrest those indicted war criminals who are still at large. That goal, unfortunately, has not yet been achieved. Our intelligence agencies have carried out many activities to identify and track the networks for harbouring war criminals who might be on our territory. Of course, Bosnia and Herzegovina is prepared to redouble those efforts in the forthcoming period to try to achieve more concrete results.

Nevertheless, I would like to remind Council members that, so far, the most wanted indictees have been arrested outside the territory of my country. To date, neither international nor domestic intelligence has provided any traces within the borders of Bosnia and Herzegovina that could lead us to the whereabouts of those whom we are trying to arrest. We will continue to undertake all possible measures to ensure that all perpetrators of war crimes on the territory of the former Yugoslavia, if they are located in Bosnia, are brought before the Tribunal or before our national courts with the Tribunal's consent. That is the only way that the cause of justice can be served.

I would also like to inform the Council that the presidency of Bosnia and Herzegovina, which is fully committed to the goals that have been set for the ICTY, discussed this issue at its fourth regular session, held on 13 December 2006, and reached the conclusion that the presidency of Bosnia and Herzegovina should continue to fully support the work of the ICTY. The presidency stated that all persons accused of war crimes must be brought to justice.

Bosnia and Herzegovina has completed its judicial framework to deal with war crimes. It is an important part of our national judicial system, aimed at ensuring that intermediate- and lower-ranking indictees are tried in accordance with rule 11 bis of the Tribunal. I am pleased to inform members that the War Crimes Chamber of the Court of Bosnia and Herzegovina has been processing the significant number of cases referred to it by the ICTY, as well those raised by the Prosecutor of Bosnia and Herzegovina. It is noteworthy that the project to extend the recently formed Detention Unit of the War Crimes Chamber is under way.

Finally, I would like to express our appreciation to the international community for the assistance provided to train and equip our judicial staff. I would also like to thank the international personnel who are

helping our staff to carry out their duties in accordance with the highest judicial standards.

The President (*spoke in Arabic*): I now give the floor to Judge Pocar to respond to comments and questions raised.

Judge Pocar: First, I would like to express my thanks to the members of the Security Council for their support for the work of the Tribunal and for their appreciation for the measures taken by the Tribunal during the reporting period to comply with the requirements of the completion strategy, while respecting the principles of fair trial. I wish also to thank Council members for the comments made on the activity of the Tribunals during the reporting period and to date.

I take note of the concern expressed by members regarding the deadlines of the completion strategy. I wish to assure the Security Council that the dates of the completion strategy are constantly before us and that we are constantly mindful of them in our work.

I want to assure the Security Council that the Tribunal will do everything it can to conclude its work by the deadline, bearing in mind the caseload. I wish to stress that so far the Trial Chambers have concluded the trials — I am speaking only about the trials — of 66 accused, which is a huge number, bearing in mind, of course, the principles of fair trial that we have to respect.

It is true that the plans that I have made provide for a situation in which trials will have to run into 2009. That does not at all mean that 2009 will be fully devoted to trials. The assessment that I have made reflects the situation as it is seen now. But I stressed in my statement earlier that the Tribunal is not content with the dates as they stand, but is constantly looking for new ways to speed up the work and conclude the activity. I cited the example of the seventh simultaneous trial which we are going to have at the beginning of next year. We will continue to find other ways and means to speed up our procedures and our work.

On one particular note: the question of the accused Mr. Seselj was commented upon. In that respect, I would like to assure the Council that all measures will be taken to speed up the trial, which, unfortunately, had to be delayed because the accused was on a hunger strike. But the Tribunal will certainly resume the trial as soon as possible — when the accused's health condition is such as may allow him to stand trial as a self-represented accused, as decided by the Appeals Chamber of the Tribunal.

I will not comment further on the question of the partnership with domestic jurisdictions. I take note of the guidance of the members of the Council, which goes in the direction that the Tribunal had already taken. I also take note of the comments made about the residual mechanisms and the procedure encouraging the Tribunal organs to intensify their work. We are working on that matter, and certainly we are in touch with the Office of Legal Affairs in that respect.

Again, I wish to reiterate my thanks for the support and the thoughtful comments made by the members of the Security Council and to express once again the commitment of the Tribunal to the completion strategy.

The President (*spoke in Arabic*): I thank Judge Pocar for the clarifications that his provided.

I now give the floor to Judge Møse to respond to comments made and questions raised.

Judge Møse: Very briefly, I would like to thank the members of the Security Council for their favourable and positive comments on the work of the Tribunal. We very much appreciate the observations made. We also take note with appreciation of the statements made by virtually all members of the Council regarding the need for all States to cooperate with the Tribunal, in particular in relation to indictees at large. The uniform attitude of the Council in that area will no doubt send a strong signal to the right circles.

Capacity-building was mentioned by some speakers. Let me stress that that is a priority area for the Tribunal and that we will certainly continue and accelerate our work in that area. We look forward to the fact that our information centre in Kigali will soon be expanded, in the sense that there may soon be similar centres in all regions of Rwanda.

Legacy issues were mentioned by several delegations. There, too, I think there is a need for further reflection — not only between the Tribunals, but also between the Tribunals and Member States, on how to carry those important issues further forward. Documents have been circulated, and we need, on the

basis of those documents, to go into the matter in greater depth in order to make further progress.

In short, the Prosecutor and I will simply take with us the kind remarks by members of the Council, and they will certainly serve as an inspiration in our work over the next six months.

The President (*spoke in Arabic*): I thank Judge Møse for the clarifications that he provided.

There are no further speakers on my list. The Council has thus concluded the present stage of its consideration of the item on its agenda.

I would like to take this opportunity to express my thanks, on behalf of the Council, to Judge Pocar and Judge Møse, as well as to the Prosecutors, Ms. Del Ponte and Mr. Jallow, for their briefings to the Council.

The meeting rose at 1.55 p.m.